

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, October 10, 2019
Commencing at 6:15 p.m.

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

MARGARITA GUTIERREZ
JOHN MEDINA
ROSIO PENA, Alternate No. 1
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman
JOSEPH D. BONACCI, Chairman

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

LIBERO MAROTTA
MIGUEL ORTIZ
DAVID W. PRESSEY

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates,
(Left at 8:11 p.m.)

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

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

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

I N D E X

	<u>PAGE</u>
CALL TO ORDER	6
SALUTE TO FLAG	6
ROLL CALL	7
APPROVAL OF PREVIOUS MEETING MINUTES	9
RESOLUTIONS	132
HEARINGS	
Satinderjit Kaur	11
The Residences at New York Avenue, LLC	45
1015 West Street, LLC	127
Roberto Rodriguez	129
ADJOURNMENT	135

I N D E XSatinderjit Kaur - 628 36th StreetWITNESSPAGE

Zachary Gidich	12/36
Eric M. Hough	17
Michael J. Pessolano	20

E X H I B I T SNO. DOCUMENTPAGE

A-1	Planning Exhibit	21
-----	------------------	----

I N D E XThe Residences at New York Avenue, LLC
1211 New York Avenue

<u>WITNESS</u>	<u>PAGE</u>
Albert Arencibia	46
Corey Chase	59
Adnan Khan	65
Michael J. Pessolano	68
 <u>SWORN PUBLIC</u>	
Larry Price	105

1 MS. DILLON: On the record.

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

4 Take notice that on Thursday, October 10,
5 2019, at six p.m., a Regular Meeting is scheduled
6 for the Union City Board of Adjustment, to be
7 held in the Municipal Chamber, located on the
8 Second Floor, 3715 Palisade Avenue, Union City,
9 New Jersey.

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

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

19 Roll call for tonight's meeting.

20 Let's please rise to salute the flag.

21

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

24

25 THE SECRETARY: Thank you.

1

2 **ROLL CALL:**

3

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

6

Mr. Bonacci?

7

CHAIRMAN BONACCI: Here.

8

THE SECRETARY: Mr. Grullon?

9

VICE CHAIRMAN GRULLON: Here.

10

THE SECRETARY: Mr. Marotta is absent.

11

Ms. Gutierrez?

12

MS. GUTIERREZ: Here.

13

THE SECRETARY: Mr. Ortiz is absent.

14

Mr. Pressey is absent.

15

Mr. Medina?

16

MR. MEDINA: Present.

17

THE SECRETARY: Mr. Medina's present.

18

Ms. Pena?

19

MS. PENA: Present.

20

THE SECRETARY: Ms. Perez?

21

MS. PEREZ: Here.

22

THE SECRETARY: Mr. Cetinich?

23

MR. CETINICH: Here.

24

THE SECRETARY: Mrs. Watley?

25

MS. WATLEY: Here.

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

3 We have a full quorum for tonight's agenda.

4 * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF MINUTES:**

2

3 (1) Regular Meeting held on September 12, 2019

4

5 THE SECRETARY: All right.

6 Let's go to approval of previous meeting
7 minutes from September 12, 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: Seconded 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: Ms. Pena?

21 MS. PENA: Yes.

22 THE SECRETARY: Ms. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Mr. Cetinich?

25 MR. CETINICH: Yes.

1 THE SECRETARY: Mrs. Watley?

2 MS. WATLEY: Yes.

3 THE SECRETARY: Seven in favor.

4 Motion carries.

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2

3 THE SECRETARY: First application on
4 tonight's agenda, Satinderjit Kaur, 628 36th
5 Street.

6 Mr. Linnus, please?

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

9 MS. ORENBERG-RUGGIERI: When you said we
10 would be first this time, I didn't believe you,
11 so I'm very excited.

12 Sherri Orenberg-Ruggieri, from Francis
13 Linnus' office.

14 And we're here to present an application
15 for 628 36th Street, Block 260.01, Lot 12.

16 This is -- the applicant is proposing a two
17 family dwelling, which is permitted in the zone.
18 The property, 628 36th Street. It's located in an
19 R low density residential zone, on the northern
20 side of 36th Street, between JFK Boulevard and
21 Hackensack-Plank Road, which I got to see as I
22 was driving around looking for parking today, to
23 get a good view of the area.

24 There had been an existing 2.5 story
25 residence. It had a deck, a shed, and there were

1 two preexisting, nonconforming conditions. The
2 applicant is requesting variances for those
3 preexisting nonconforming conditions.

4 And then, the other variance is for the
5 rear yard setback.

6 There are no variances necessary for the
7 number of parking spaces.

8 With me tonight I have several witnesses.

9 I'm going to start with the architect, to
10 just give us some information about what's -- had
11 been existing at the site, and what the proposal
12 is.

13 MS. DILLON: Please raise your right hand.

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

16 MR. GIDICH: Yes.

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

19 MR. GIDICH: Zachary Gidich, Z-A-C-H-A-R-Y,
20 G-I-D-I-C-H.

21 MS. DILLON: Thank you.

22 MS. ORENBERG-RUGGIERI: Okay.

23 Want to share with us the benefit of your
24 background?

25 MR. GIDICH: Sure.

1 I'm a registered architect. I own an
2 architecture firm in Ho-Ho-Kus, New Jersey. I've
3 presented in front of various boards; Ridgewood,
4 Ho-Ho-Kus, West Orange, Orange, Morristown, and a
5 few other municipalities.

6 CHAIRMAN BONACCI: Thanks for being here
7 tonight.

8 MR. GIDICH: Yeah.

9 Thank you.

10 CHAIRMAN BONACCI: We accept your
11 qualifications.

12 MS. ORENBURG-RUGGIERI: Thank you.

13 MR. GIDICH: Thanks.

14 So, I'll just quickly walk you into the
15 building, and then, we'll try to move as quick as
16 possible through this, to try to save some time
17 here for you guys.

18 So, we're -- as we mentioned, we're
19 proposing a two family dwelling on our lot. And
20 we're looking for a variance for rear yard and
21 some existing conditions of the lot that we're
22 looking for approval.

23 On the first floor, we have -- let me just
24 get to my drawings -- so, on sheet A-100, it
25 shows our first floor layout.

1 You can see the two car garage, and then,
2 in the back, we have an amenity space for the two
3 apartments that are up above. We have a
4 bathroom, mechanical room, a coat closet and the
5 -- what we're calling a playroom.

6 And our intent was to provide a space for
7 the two units that are up above, that maybe those
8 units could be lacking a little bit in. So,
9 that's sort of our intent on the first floor.

10 And then, up above, which are the units,
11 we're providing two apartment units with a
12 kitchen, master bathroom, bedroom, a master
13 bedroom with a bathroom, a bedroom and a
14 bathroom.

15 And that's similar --

16 MS. ORENBURG-RUGGIERI: And I just wanted
17 to interrupt.

18 We'd like to mark this --

19 MS. DILLON: I just need you to come
20 forward to the mic.

21 Thank you.

22 MS. ORENBURG-RUGGIERI: We'd like to mark
23 this, all of the drawings. Should we mark it
24 altogether or each page?

25 MR. PANEQUE: This is the site plan that

1 was presented --

2 MS. ORENBERG-RUGGIERI: Yes.

3 MR. PANEQUE: -- with your application
4 already?

5 MS. ORENBERG-RUGGIERI: Yes.

6 MR. PANEQUE: Okay. It does not need to be
7 marked.

8 MS. ORENBERG-RUGGIERI: Okay.

9 MR. PANEQUE: It's part of the application
10 already.

11 MS. ORENBERG-RUGGIERI: Okay.

12 Very good.

13 MR. GIDICH: Okay.

14 So, that's basically the layouts that we're
15 looking to do.

16 And the variances that we're looking for,
17 the major one like I said, we're talking about is
18 the rear yard consideration.

19 In terms of the plans and the architecture
20 of the building, we're -- we're not going above
21 what's permitted and we're not doing any coverage
22 that's permitted.

23 If there's any questions that you have
24 concerning the architecture of the building, or
25 the layouts, I'm -- I'm happy to answer any of

1 | that.

2 | CHAIRMAN BONACCI: Do you have any other
3 | testimony? Because we'll just hear the testimony
4 | and then ask the questions after.

5 | MS. ORENBERG-RUGGIERI: Okay.

6 | My next witness is the engineer.

7 | CHAIRMAN BONACCI: So, that's it for --

8 | MS. ORENBERG-RUGGIERI: The architect.

9 | MR. GIDICH: Oh, yeah. Open it up later on
10 | for --

11 | MS. ORENBERG-RUGGIERI: Unless you have
12 | something --

13 | MR. GIDICH: -- questions.

14 | MS. ORENBERG-RUGGIERI: -- for elevations?

15 | CHAIRMAN BONACCI: Not right now. We'll
16 | just hear the testimony and then go back. It's
17 | easier for me that way. I don't know for you
18 | guys?

19 | VICE CHAIRMAN GRULLON: Yeah. That's --

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

22 | MS. ORENBERG-RUGGIERI: Okay.

23 | My next witness is Eric --

24 | Let's see if I can say his name right.

25 | -- Hough? Hough?

1 MR. HOUGH: That's --

2 MS. ORENBERG-RUGGIERI: Hough?

3 MR. HOUGH: That's good enough. Yeah.

4 MS. ORENBERG-RUGGIERI: I'm trying to rhyme
5 it.

6 MR. HOUGH: It's Hough.

7 MS. ORENBERG-RUGGIERI: Hough. Eric Hough
8 like loaf, from Bertin Engineering.

9 MR. HOUGH: Correct.

10 MS. DILLON: Okay.

11 Sir, please raise your right hand.

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

14 MR. HOUGH: It is. Yes.

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

17 MR. HOUGH: My name is Eric, E-R-I-C,
18 Hough, H-O-U-G-H.

19 MS. DILLON: Thank you.

20 MS. ORENBERG-RUGGIERI: Okay.

21 MR. HOUGH: Credentials?

22 MS. ORENBERG-RUGGIERI: Yes.

23 And you could share with us the benefit of
24 your background?

25 MR. HOUGH: Yes.

1 I graduated from Rutgers University in
2 2006, with a Bachelor's degree in civil
3 engineering. I have been working at Bertin
4 Engineering for over 13 years as a design
5 engineer.

6 I am currently licensed in the State of New
7 Jersey. I haven't testified in front of this
8 Board before, but I have in front of Jersey City,
9 North Bergen, West New York among others.

10 CHAIRMAN BONACCI: Thanks for being here.
11 We accept your qualifications.

12 MR. HOUGH: Thank you.

13 MS. ORENBERG-RUGGIERI: And these
14 documents, I think, also have been in your
15 packet, so you don't -- we don't need to mark
16 them in, but right now, this one here is the
17 grading and utility plan.

18 MR. HOUGH: Correct.

19 MS. ORENBERG-RUGGIERI: So, we were going
20 to ask you just some questions about the existing
21 topography and how the proposal will change that?

22 MR. HOUGH: Yeah.

23 MS. ORENBERG-RUGGIERI: Or if it will?

24 MR. HOUGH: Yes.

25 The existing topography of the site is

1 | generally flat, with a slightly higher elevation
2 | in the front yard, compared to the rear yard.
3 | And it is proposed to maintain this existing
4 | topography for the new proposed front yard
5 | driveway and the proposed landscape areas.

6 | There will be new depressed curbing along
7 | 36th Street for the proposed site driveway. And
8 | there will be new utility service connections
9 | along 36th Street. I mean there will new utility
10 | connections to the existing lines in 36th Street
11 | for sanitary, water and gas.

12 | MS. ORENBURG-RUGGIERI: And my next
13 | question was about the stormwater calculations.
14 | Did you prepare them on, it looks like April 18th,
15 | 2019?

16 | MR. HOUGH: We did. And we determined that
17 | this is not a major development in the -- by
18 | State standards, since the disturbance is less
19 | than one acre and the net increase of impervious
20 | area is less than .25 acres. Therefore, no
21 | stormwater management is required onsite. The
22 | pro --

23 | MS. ORENBURG-RUGGIERI: However, will the
24 | site runoff be decreased by this proposal?

25 | MR. HOUGH: Yes. The propose -- proposed

1 development will decrease the impervious coverage
2 on the site, which reduces the site's runoff,
3 therefore, no stormwater detention is required.

4 MS. ORENBERG-RUGGIERI: Okay.

5 I think that -- if anyone has questions of
6 the engineer?

7 If not, I would skip to the planner.

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

10 MS. DILLON: Mr. Pessolano, please raise
11 your right hand.

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

14 MR. PESSOLANO: I do.

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

17 MR. PESSOLANO: Michael J. Pessolano,
18 P-E-S-S-O-L-A-N-O, licensed professional planner
19 in the State of New Jersey, previously qualified
20 by this Board recently, and license still in good
21 standing.

22 MS. DILLON: Thank you.

23 MR. PESSOLANO: You're welcome.

24 I'd be happy to --

25 MS. ORENBERG-RUGGIERI: Any --

1 MR. PESSOLANO: -- elaborate on my
2 qualifications, if the Board so desires.

3 CHAIRMAN BONACCI: That's okay. You've
4 testified before us before.

5 MR. PESSOLANO: Yes.

6 CHAIRMAN BONACCI: We accept your
7 qualifications.

8 MR. PESSOLANO: Thank you kindly.

9 CHAIRMAN BONACCI: Thank you.

10 MS. ORENBERG-RUGGIERI: Okay.

11 And I saw that you handed a planning
12 exhibit.

13 MR. PESSOLANO: Yes. Shall we mark that as
14 A-1?

15 MS. DILLON: Yes.

16 MS. ORENBERG-RUGGIERI: Yes.

17 MR. PESSOLANO: With today's date.

18

19 (Whereupon, Planning Exhibit was received
20 and marked as Exhibit A-1.)

21

22 MR. PESSOLANO: Just briefly, A-1 is a
23 three page map and photo exhibit. And it's
24 designed to represent to the Board what I
25 observed about the site, the neighborhood, to

1 | inform my analysis for -- for the planning
2 | testimony I'm about to give.

3 | On sheet one, page one of three in the
4 | center, we see the -- the subject property,
5 | highlighted with yellow -- actually, the proposed
6 | building itself within the subject property
7 | highlighted in yellow, showing a very close
8 | tracking with existing dwellings in the block as
9 | to width and -- and length of -- of the subject
10 | structure, tax lots on 36th Street, 37th Street,
11 | all looking pretty much the same as to depth, so
12 | we have inherited a 77 foot yard lot depth, 77
13 | foot lot depth.

14 | Nothing we can do about that, an existing
15 | condition that will effect this proposal or any
16 | other proposed development. So, it's just an
17 | existing nonconformity, as well as the lot area;
18 | 1925.5 square feet where 2500 square feet is
19 | required for either a one family, a two family,
20 | or a three family dwelling.

21 | So page -- onto page two, the ground photos
22 | that were taken by myself. Image two showing the
23 | subject property.

24 | MS. ORENBERG-RUGGIERI: And I'm going to
25 | stop you just --

1 MR. PESSOLANO: From the sidewalk.

2 MS. ORENBURG-RUGGIERI: -- for a moment.

3 MR. PESSOLANO: Um hum.

4 MS. ORENBURG-RUGGIERI: To prepare for
5 today, you went out to the site?

6 MR. PESSOLANO: Yes. I visited the site,
7 visited with the municipal development
8 regulations and master plan materials, conferred
9 with the applicant's team, reviewed the
10 application materials, reviewed Mr. Spatz's
11 planning review memo.

12 MS. ORENBURG-RUGGIERI: Thank you.

13 MR. PESSOLANO: Thank you for helping me
14 with that.

15 So, if you've been to the site, this looks
16 familiar to you. Recently, the dwelling that was
17 there was removed. Obviously, the site looking
18 pretty sad without the -- any building there.

19 Panning over to image three, we see the
20 existing dwelling to the east.

21 The subject property, image four in the
22 lower left, shows the existing two family that
23 adjoins to the west of the subject property.

24 Imagine five shows the dwelling directly
25 across the street from the subject property at

1 628 36th Street.

2 Onto page three, image six in the upper
3 left, is a view of the development pattern to the
4 west of the subject property.

5 Image seven is a view of the development
6 pattern to the east.

7 Image eight shows more poignantly the
8 missing tooth effect, with no building fulfilling
9 the -- the landscape as would be expected in this
10 neighborhood.

11 And finally, image nine shows the nice
12 alignment of driveway versus driveway of the
13 subject proposal with the existing driveway
14 across the street.

15 What that means is easier maneuverability
16 in and out of the driveway for both my clients
17 and -- and the ultimate occupants of that
18 property and the subject property across the
19 street, that is shown in -- in image five on page
20 two.

21 So, that's it for the -- the setting.

22 I find this to be a very good application,
23 needing only one bulk variance in earnest. The
24 other two, as I mentioned, are existing
25 conditions, but we can do nothing about because

1 we're surrounded by developed property and to --
2 to get more land would invoke certainly more
3 variance relief and so on and so forth.

4 So, not realistic to -- to make these
5 existing dimensional conditions any better. So,
6 they squarely qualify for C-1 relief, in -- in my
7 opinion, as to the -- the relief that's required
8 for the -- the deficient lot depth.

9 Let me point out that what we're proposing
10 here, on an already short lot, is a basic two
11 family dwelling, no -- nothing over the top, in
12 terms of its size, very modest dwelling, tracking
13 with the size of other dwellings that -- that are
14 commonly found, in my experience, in the City of
15 Union City.

16 So, the thing that I think is most at work
17 here for the -- the rear yard deficiency is
18 providing for adequate parking, not only garage
19 spaces, but parking spaces in the front.

20 Secondly, another plus to this application
21 is that it's providing a nice amount of open
22 space and air in the front of the building,
23 providing for continuation of that trend, that
24 was shown in the -- in the photo that I showed
25 you for the development pattern to the west.

1 So, carrying that forward, I think makes
2 good sense and provides public benefit to not
3 just the immediate neighborhood, but the
4 community, at large.

5 This site is a specific piece of property
6 due to the prior dilapidated dwelling that had to
7 be removed, due to it being unsafe and unhealthy.
8 The site today still has a negative influence on
9 the community, lacking a dwelling where -- where
10 the zone plan says very definitely let's have
11 either one, two or three family dwelling on this
12 particular site.

13 The site is constrained, as I said, by
14 providing any additional lot area, by existing
15 conditions. The site is exceptionally shallow
16 for accommodating the permitted two family use,
17 and simply because of the need to provide a
18 greater space in the front, which pushes the
19 basic living space deeper into the lot, but no
20 deeper than the adjoining property which is set
21 back four feet ten inches from the rear lot line
22 to the west. That's exactly what we're proposing
23 for this proposed structure.

24 So, that squarely addresses the -- the C-1
25 aspects. I believe that the variance relief

1 | qualifies under both the C-1 test of hardship,
2 | and the C-2 test of the benefits outweighing the
3 | detriments.

4 | Only one of the tests needs to be passed,
5 | but I find that both pass very easily.

6 | MS. ORENBERG-RUGGIERI: And I just want to
7 | ask.

8 | So, you've also done an analysis for the
9 | C-2.

10 | MR. PESSOLANO: Yes. Brings me right up to
11 | that.

12 | Thank you.

13 | C-2 analysis focuses on the purposes of
14 | zoning being advanced by the proposed deviation.
15 | And whether, on balance, the -- the benefits of
16 | the application as a whole outweigh --
17 | significantly outweigh any detriments.

18 | A number of benefits of zoning, or the
19 | purposes of zoning are advanced. I'll quickly go
20 | through them.

21 | Purpose A.

22 | The general welfare is advanced by two new
23 | units of decent housing where the zone plan
24 | encourages exactly this type of use.

25 | Purpose C is advanced.

1 Adequate light and air are being provided
2 by the greater setback than was there before.
3 And greater -- much -- by much more than the
4 existing dwelling to the east.

5 Purpose E.

6 Establish appropriate population density in
7 appropriate locations. This site is very close
8 in proximity, as you know, to shopping,
9 transportation, employment opportunities. It
10 makes sense to have two families, or three, even,
11 at this site.

12 Purpose G is advanced to provide for a
13 variety of uses in appropriate locations to meet
14 the needs of the State citizens.

15 I translate that to mean where we have a
16 good amount of public infrastructure investment,
17 let's make the most of that by having people live
18 and use that infra -- live by and use that
19 infrastructure.

20 Purpose I is advanced.

21 Promoting a desirable visual environment.

22 Brand new housing, nice landscaping and nice
23 finish will provide -- plus a generous front
24 setback, will provide definite new appeal and
25 lasting appeal in the -- in the neighborhood, in

1 my opinion.

2 Finally, purpose M.

3 Toward the more efficient use of land.

4 Makes sense to -- to utilize the space for the
5 zoned purpose. Again, because of its proximity
6 to employment, transportation and shopping.

7 The prior structure had side yard
8 deficiency that we are eliminating. So, we're
9 set back farther on the side.

10 The prior structure had a front yard
11 setback deficiency. We are eliminating that by
12 having the structure at more than a conforming
13 setback, to provide for parking in front. And we
14 are providing parking, which the prior structure
15 -- prior development, this lot had none.

16 So, three key benefits, all publicly
17 oriented, in my opinion, in addition to the zone
18 plan.

19 I'm sorry.

20 The purposes of zoning that I just
21 mentioned.

22 As to the negative criteria, addressing
23 both the C-1 and C-2 analysis, no impacts of a
24 substantially adverse nature to any neighbor or
25 the community, where a longstanding eyesore will

1 be eliminated, with a permitted use that nearly
2 fully conforming to bulk standards.

3 I find this exceedingly rare these days to
4 have just one C variance associated with
5 redevelopment in an existing developed area.

6 I see only positive neighborhood
7 improvement and really no detriments, certainly
8 not any detriment that could be considered
9 substantial here.

10 The project provides both front and rear
11 setbacks that are consistent with the existing
12 two family development to the west. No
13 substantial impairment to the zone plan or Zoning
14 Ordinance, because the site is conforming fully
15 as to the use that's intended here, and meets
16 nearly all of the bulk requirements.

17 So, in the C-2 weighing analysis, the
18 benefits of this project substantially outweigh
19 any perceivable detriment from it coming to life.

20 In conclusion, the application meets all
21 the statutory tests for relief. The proposed
22 project provides for substantially conforming new
23 housing resulting in an overall community
24 improvement. I suggest that your approval is
25 warranted.

1 Thanks so much.

2 MS. ORENBERG-RUGGIERI: Okay.

3 At this point, if you wanted to ask
4 questions of any of the witnesses.

5 CHAIRMAN BONACCI: I'll start with Mr.
6 Pessolano, since he's up here.

7 MS. ORENBERG-RUGGIERI: Okay.

8 CHAIRMAN BONACCI: Mr. Pessolano, I was
9 going to ask you originally what the -- if you
10 could briefly describe the variances, the relief
11 that you seek, but you just went over it. The C-
12 1 and the C-2. Did I miss anything?

13 MR. PESSOLANO: C-1 and C-2 are the
14 analyses that apply to the relief. There are
15 three elements of nonconformity.

16 One is the existing lot area. There's
17 1925.5 square feet where 2500 is the minimum
18 required for any residential development.

19 Second is lot depth; 77.06 feet is
20 provided, where a hundred foot lot depth is
21 prescribed by the Zoning Ordinance. Again,
22 that's an inherited condition we can do nothing
23 about.

24 And then, the only tangible variance we're
25 proposing is the rear yard depth of 4.83 feet

1 | where 19.27 feet is the calculated depth, based
2 | on -- on the lot. There's a calculated rear
3 | yard, excuse me, based on the lot depth of 77.076
4 | feet. In other words, 25 percent of the lot
5 | depth needs to be the rear yard, technically.

6 | CHAIRMAN BONACCI: Okay.

7 | Thank you.

8 | MR. PESSOLANO: You're welcome.

9 | CHAIRMAN BONACCI: You gave us a brief
10 | description of testimony regarding the traffic.

11 | How about if you could provide us with some
12 | testimony on fire, emergency safety, et cetera?

13 | MR. PESSOLANO: Well, it's located on a
14 | public road. So, it's a one-way street. We are
15 | providing the utmost that any one property owner
16 | can do, which is to keep all of its vehicles off
17 | the street. So, any congestion would not be
18 | directly caused by occupancy of this lot as
19 | proposed, because we're providing for all of the
20 | parking, and then some, that's required on our
21 | site.

22 | CHAIRMAN BONACCI: Okay.

23 | This is new construction.

24 | Correct?

25 | MR. PESSOLANO: Yes.

1 CHAIRMAN BONACCI: So, you guys would have
2 to demolish the existing structure.

3 MR. PESSOLANO: It has been demolished.

4 CHAIRMAN BONACCI: Okay.

5 MR. PESSOLANO: As the picture indicates,
6 that's a fresh photo.

7 CHAIRMAN BONACCI: All right.

8 MR. PESSOLANO: So, no longer there.

9 CHAIRMAN BONACCI: Thank you.

10 MR. PESSOLANO: You're welcome.

11 MS. ORENBERG-RUGGIERI: And the architect's
12 drawings, I believe that you have, are the
13 demolition plan.

14 CHAIRMAN BONACCI: Counselor, any
15 neighborhood feedback, communication with anybody
16 that lives in the area to see what -- any
17 feedback from the community?

18 MS. ORENBERG-RUGGIERI: I have --

19 CHAIRMAN BONACCI: Not so much?

20 MS. ORENBERG-RUGGIERI: -- applicant with
21 me.

22 CHAIRMAN BONACCI: We'll see if there's
23 anybody who's got some questions tonight.

24 MS. ORENBERG-RUGGIERI: Yes.

25 CHAIRMAN BONACCI: So, I don't have any

1 more questions for now.

2 Thank you so much.

3 MR. PESSOLANO: Thank you kindly.

4 CHAIRMAN BONACCI: Members of the Board?

5 VICE CHAIRMAN GRULLON: For Mr. Pessolano.

6 MR. PESSOLANO: Yes, sir.

7 VICE CHAIRMAN GRULLON: Did you get an
8 opportunity to check the -- the heights of the
9 other buildings in the area?

10 MR. PESSOLANO: I did consider the relative
11 height of our proposed structure and the -- the
12 two immediate on either side.

13 I also considered structures to the rear,
14 of the rear lot line. Because the land dips down
15 significantly there, what we -- what I saw at the
16 rear lot line --

17 VICE CHAIRMAN GRULLON: Yes.

18 MR. PESSOLANO: -- right up against the
19 rear lot line, was literally at my feet, the roof
20 of the garage behind this lot.

21 So, structure-wise, the -- the relative
22 height parameters, if you will, are the
23 structures to the east and the west; two and a
24 half story -- actually, a three story section in
25 the back of the home to the east, and a three

1 story two family dwelling to the west.

2 So, exact match? No. But relative --
3 relative match, --

4 VICE CHAIRMAN GRULLON: Would you say --

5 MR. PESSOLANO: -- I believe.

6 VICE CHAIRMAN GRULLON: -- that will be
7 consistent with the --

8 MR. PESSOLANO: I think --

9 VICE CHAIRMAN GRULLON: -- the height of
10 the neighborhood?

11 MR. PESSOLANO: -- quite consistent. Yes.
12 No difference by more than half a story, in any
13 measurement, that I could perceive.

14 VICE CHAIRMAN GRULLON: Okay.

15 Thank you.

16 MR. PESSOLANO: You're welcome.

17 CHAIRMAN BONACCI: Any other members of the
18 Board?

19 Okay.

20 I just want to open it up to the members of
21 the public at this time, to see if anybody has
22 any questions.

23 Members of the public?

24 Closed to members of the public.

25 Counselor, the playground area has that

1 bathroom in there.

2 MS. ORENBERG-RUGGIERI: Okay.

3 CHAIRMAN BONACCI: And it's a little
4 concerning. I just want to make sure that that
5 playground area doesn't turn into living
6 quarters, an extra apartment in there. So, if
7 possible, is there something that you could do
8 about that?

9 MS. ORENBERG-RUGGIERI: Let me call the
10 architect --

11 CHAIRMAN BONACCI: Okay.

12 MS. ORENBERG-RUGGIERI: -- and look at his
13 design.

14 MR. GIDICH: Sure. Yeah. We can --

15 MS. DILLON: Hang on.

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

18 MS. ORENBERG-RUGGIERI: This is Zachary
19 Gidich.

20 MR. GIDICH: Gidich.

21 Yeah. Perfect.

22 Yeah, we'll consider that. We -- we did
23 want to provide a use of a toilet down there,
24 whether we make it maybe a two -- two piece,
25 rather than a three piece.

1 CHAIRMAN BONACCI: Right now, it's like a
2 full bathroom.

3 Right?

4 MR. GIDICH: Yeah. That's what I'm say --
5 yeah. So, maybe half bath would be --

6 CHAIRMAN BONACCI: If -- yeah. That would
7 ensure that -- well, it would help us to
8 establish that it doesn't, at some point, become
9 an extra living space.

10 MR. GIDICH: Sure.

11 CHAIRMAN BONACCI: Counselor, --

12 MR. GIDICH: I think that's a consideration
13 that we can --

14 CHAIRMAN BONACCI: -- would you agree to
15 put that on the record?

16 MS. ORENBERG-RUGGIERI: I just have to
17 check --

18 Yes?

19 A VOICE: Yes.

20 MS. ORENBERG-RUGGIERI: Okay.

21 MR. PANEQUE: There's a -- if I can just
22 have the architect turn to page A-100?

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

25 MR. GIDICH: Okay.

1 MR. PANEQUE: Okay, for the Board's
2 edification, I'm -- I'm calling the attention to
3 the Board to the fact that the space behind the
4 two parking spots that are the two car garage,
5 depicts a full bath, which is a three piece
6 bathroom with a lavatory, a sink and a full
7 bathtub. And then, adjacent to that, we have a
8 pantry, with a sink. That potentially can very
9 easily be converted into a kitchen area.

10 This Board is concerned with these spaces
11 becoming the third unit in these two family
12 homes. It's -- it's a problem that the city has
13 been trying to eliminate. Therefore, the
14 recommendation and -- and Mr. Spatz, I think, you
15 --

16 MR. SPATZ: Yes.

17 MR. PANEQUE: -- would have a
18 recommendation on this?

19 MR. SPATZ: Yes. I agree. I think the
20 idea of eliminating the bathtub, to have it just
21 be a powder room, and then, also eliminating that
22 pantry, reduces the possibility of it being
23 converted to a unit. And then, you could even
24 put a -- an additional condition in the
25 Resolution, with a deed restriction that it not

1 be turned into a unit.

2 MR. PANEQUE: Yes.

3 MR. SPATZ: And I think that at least gives
4 the Building Department something.

5 CHAIRMAN BONACCI: All right.

6 Thank you.

7 MR. PANEQUE: Counsel, my recommendation
8 is, and you can discuss it with your clients,
9 before this Board approves, that they have to
10 accept a deed restriction being placed that if
11 this building is erected, that it will remain as
12 a two family, as long as that structure stands.
13 That under no conditions will that space behind
14 the garage ever be used as a third residential
15 unit, or even applied for as a third residential
16 unit.

17 This deed restriction is to run into
18 perpetuity, as long as that building stands.

19 Okay. You want to have a -- a minute and
20 speak with your client?

21 MS. ORENBERG-RUGGIERI: Yes.

22 MR. PANEQUE: And also, as a condition, the
23 pantry would have to be removed, okay, as well as
24 the three piece bathroom, converted into a powder
25 room, which would just be the lavatory and the

1 sink.

2 MS. DILLON: You want to go off the record?

3 MR. PANEQUE: Off the record.

4

5 (Whereupon, the Board recessed from 6:46:33
6 p.m. to 6:46:57 p.m.)

7

8 MR. PANEQUE: On the record.

9 MS. DILLON: Okay.

10 On the record.

11 MR. PANEQUE: All right.

12 Counselor, have you had an opportunity to
13 discuss this with your client?

14 MS. ORENBURG-RUGGIERI: I have spoken to
15 them and they are agreeing. I just want to be
16 clear on the record, so they understand, that the
17 deed restriction runs with the land.

18 MR. PANEQUE: Correct.

19 MS. ORENBURG-RUGGIERI: So, it's -- it will
20 always be there when someone does a title search.

21 MR. PANEQUE: Correct. It will --

22 MS. ORENBURG-RUGGIERI: And they're --

23 MR. PANEQUE: -- always be there. And
24 also, the idea is that as long as this building
25 is there, that deed restriction will remain, that

1 the property can only be used as a two family
2 home.

3 We've run into situations where these
4 properties were approved, and then, years later,
5 they came in to the Board, asking for approval on
6 that rear portion of the ground floor. We're
7 trying to avoid that and we're making it very
8 clear that, going forward, that's going to be the
9 condition that's going to be placed.

10 MS. ORENBERG-RUGGIERI: Okay, and they're
11 both --

12 CHAIRMAN BONACCI: In agreement?

13 MR. PANEQUE: Okay.

14 MS. ORENBERG-RUGGIERI: -- in agreement --

15 MR. PANEQUE: So, as part of --

16 MS. ORENBERG-RUGGIERI: -- with those
17 conditions.

18 MR. PANEQUE: The Resolution will read that
19 the ground floor would have only a powder room,
20 which would be a two piece bathroom, no pantry.
21 And there will be a deed restriction placed,
22 maintaining the property, as long as this
23 building stands, as a two family building only.

24 Okay?

25 And --

1 MS. ORENBURG-RUGGIERI: My client would
2 record the --

3 MR. PANEQUE: Well, --

4 MS. ORENBURG-RUGGIERI: -- the deed --

5 MR. PANEQUE: -- we would --

6 MS. ORENBURG-RUGGIERI: -- restriction?

7 MR. PANEQUE: -- require your office, or if
8 they're going to hire somebody else, to prepare
9 the deed restriction.

10 MS. ORENBURG-RUGGIERI: Okay.

11 MR. PANEQUE: Send it to us. We will
12 review it. They're going to have to submit
13 revised site plans at least ten days prior to the
14 next meeting, so that the Resolution can be voted
15 on at the next meeting.

16 If we do not have site plans at least ten
17 days prior, we cannot vote on that Resolution.

18 MR. GIDICH: When you mean site plans, are
19 you talking about the architectural drawings?

20 MR. PANEQUE: The architectural plans.
21 Yes.

22 MR. GIDICH: Okay.

23 Thank you.

24 MR. PANEQUE: Yeah. You have to remove
25 the -- that bathtub and that pantry. Okay. The

1 deed restriction, that will be on the legal side.

2 MR. GIDICH: Okay.

3 MS. ORENBERG-RUGGIERI: And I just want to
4 explain to them, so they understand, this would
5 be memorializing the Board's decision tonight.

6 MR. PANEQUE: Correct.

7 MS. ORENBERG-RUGGIERI: Okay.

8 And we're in agreement?

9 Okay.

10 CHAIRMAN BONACCI: Okay.

11 Counselor, before I make a motion, I just
12 want to put on record that there doesn't seem to
13 be a substantial detriment to public good.

14 The application advances the general
15 welfare, establishes proper population density.

16 And I would like to make a motion to
17 approve the application, with the condition to
18 the deed restriction.

19 And also, that the site plans be revised
20 and we receive them ten days prior to adopting
21 the Resolution.

22 THE SECRETARY: Motion on the table to
23 approve this application by Mr. Bonacci.

24 Any second the motion?

25 Seconded by Ms. Gutierrez.

1 Roll call on the motion.

2 Mr. Bonacci?

3 CHAIRMAN BONACCI: Yes.

4 THE SECRETARY: Mr. Grullon?

5 VICE CHAIRMAN GRULLON: Yes.

6 THE SECRETARY: Ms. Gutierrez?

7 MS. GUTIERREZ: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Ms. Pena?

11 MS. PENA: Yes.

12 THE SECRETARY: Ms. Perez?

13 MS. PEREZ: Yes.

14 THE SECRETARY: Mr. Cetinich?

15 MR. CETINICH: Yes.

16 THE SECRETARY: Seven in favor.

17 Motion carries.

18 Thank you and good night.

19 MS. ORENBERG-RUGGIERI: Thank you very
20 much.

21 CHAIRMAN BONACCI: Thank you.

22 MR. PANEQUE: Thank you.

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

25 * * *

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

3

4 THE SECRETARY: Next application on
5 tonight's agenda, The Residence at New York
6 Avenue, LLC, 1211 New York Avenue.

7 Mr. Mulkay, please?

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

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

12 Alain Mulkay, from Mulkay and Rendo, on
13 behalf of the applicant, 1211 New York Avenue.

14 Just by way of background, we were here in
15 -- we were here a few months ago and we made an
16 initial presentation. We heard the Board's
17 comments. We made a bunch of changes. We
18 renoticed for September 12th. We were here on
19 September 12th. We submitted the notices. The
20 Board acquired jurisdiction, but we -- the matter
21 was adjourned to today's hearing. So, we're
22 going to make a full presentation with these
23 plans from -- from start.

24 Our experts today -- our first expert is
25 Albert Arencibia, who I believe has been

1 recognized by this Board many times before, and I
2 would ask that he be recognized as an expert.

3 MR. ARENCIBIA: Hello, everybody.

4 CHAIRMAN BONACCI: How are you?

5 MR. ARENCIBIA: Good.

6 CHAIRMAN BONACCI: Thank you for being
7 here.

8 We accept his qualifications.

9 MR. ARENCIBIA: Thank you every much.

10 Everything's still in good standing.

11 CHAIRMAN BONACCI: Right.

12 MR. ARENCIBIA: Okay.

13 Thank you.

14 MS. DILLON: Please raise your right hand.

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

17 MR. ARENCIBIA: I do.

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

20 MR. ARENCIBIA: Albert Arencibia,
21 A-R-E-N-C-I-B-I-A.

22 MS. DILLON: Thank you.

23 MR. ARENCIBIA: Sure.

24 MR. MULKAY: Mr. Arencibia, your office
25 prepared the plans that were submitted with the

1 application.

2 Correct?

3 MR. ARENCIBIA: That's correct.

4 MR. MULKAY: Can you explain to the Board
5 what the proposed project entails; what the plans
6 show?

7 MR. ARENCIBIA: Yes.

8 The proposed project is for a six three
9 family dwelling development. Basically, right
10 now, the lots -- there's actually six lots right
11 now currently. However, we redid the subdivision
12 of the lots, in order to create more evenly
13 spaced lots.

14 So, we ended up with a -- basically, what
15 it ends up being is four lots being exactly the
16 same size, one lot being a little bit larger, and
17 there's one lot on New York Avenue, which is
18 actually in a different zone, it's in the CN
19 zone, and that's basically an existing 32 by a
20 hundred lot. So, basically, that lot stays
21 exactly the same. The other lots are actually
22 going to be going -- are going to be actually
23 changed a little bit, as far as size is
24 concerned.

25 MR. MULKAY: So, the four -- the lots that

1 are the four, what are the size of those lots?

2 MR. ARENCIBIA: The last four lots are 2500
3 square --

4 Excuse me, hold on.

5 It's 2784 square feet.

6 And then, we have another lot that's 2976
7 square feet.

8 And the zone is 2500 is permitted, so we're
9 actually oversized lots in all those areas.

10 Basically, on T-100, you basically see the
11 area in question, the shaded area. We have one
12 property facing New York Avenue. That's the
13 commercial lot. The other lots are on Tournade
14 Place. They will front on Tournade Place right
15 now. As we all know, it's a fairly narrow
16 street, was existing. There's existing
17 residences on there. On this particular lot
18 right now, there's actually a warehouse building
19 fronting right on front of the -- on Tournade
20 Street. So, it actually impinges on the actual
21 street itself.

22 And you could see, basically, on the T-102,
23 we show some pictures of some of the residential
24 nature of the -- of the area.

25 While the property that we have on New York

1 Avenue is residential and it's in a commercial
2 zone, none of the units, none of the structures
3 on New York Avenue, along that entire
4 streetscape, is commercial. So, in essence,
5 while we do not fit into the actual commercial
6 aspect of that zone, none of the other properties
7 on that street fit into it. So, our -- our
8 understanding and our thought is that basically
9 this is actually more in conforming with the
10 entire street than it would be if it was actually
11 a commercial application for the street, in
12 essence.

13 So, you could see here Tournade Place, and
14 you could see the existing building that's
15 existing on the site right now. It's like a
16 warehouse there; proposing on knocking that down.
17 There's like an open yard back in here. But as
18 you can see, this building's pretty much right up
19 against the streetscape here. So, one of the
20 nice things about our application is we're
21 actually setting back our street, our -- our --
22 not only are we setting back the -- the
23 buildings, but we're also including a sidewalk in
24 front of our proposed new residences in there.
25 So, it will have people a place they can actually

1 walk and not be actually walking in the middle of
2 the street.

3 MR. MULKAY: So just that it's clear.

4 On T-103, the picture in the middle, on the
5 right hand side, that's our existing property,
6 which comes up right to the property line, right
7 up to the street.

8 Correct?

9 MR. ARENCIBIA: That is correct.

10 MR. MULKAY: Okay.

11 MR. ARENCIBIA: That is correct.

12 Again, you could see, basically, with the
13 exception of this one building that's on our
14 property, everything is residential in nature,
15 whether it's for residences for -- for
16 residential or garages for the residents. So,
17 basically everything is residential, as far as
18 this is concerned.

19 What we have on T-104, we basically show
20 the lot. And we actually show sort of a -- a
21 schematic of turning radiuses with respect to
22 fire truck access through the street. While the
23 street is narrow, this street, as a matter of
24 fact, and there will be more testimony about
25 this, this is actually from -- from property line

1 to property line, it's actually wider than
2 certain areas of Bergenline, when you have
3 parking on both sides of the street.

4 So, there's ample room for a fire truck to
5 go up and down that street, and to be able to
6 make turns on Bergenline Avenue, or off of New
7 York Avenue onto that street.

8 So, we just wanted to point that out
9 because I know that there might be some concern
10 about that, but right now, the fire trucks can
11 get up and down that street with no problem.
12 It's going to be even better once we do our
13 design, because we actually create the sidewalk,
14 and we have some more space in front of our
15 buildings, as well.

16 We also, in this -- in this drawing, we
17 also show location of existing fire hydrants, for
18 the Board's edification, so they'll know that --
19 in case of anything, there are fire hydrants
20 throughout the general area, so the fire trucks
21 will be able to connect to them.

22 Now, here we have, basically, on A-100, we
23 basically show the ground floor of the
24 properties. As you could see, we have a compact
25 space parked in front of the building. On the

1 right hand side, we have stairs going up to the
2 residential areas of the -- of the -- of units of
3 the building. Right through the middle, we have
4 the entrance into the parking. We have four --
5 we have two tandem spaces in the rear of the
6 building. And we have one additional parking
7 space toward the inside spot of the -- of the
8 drive -- of the garage. There's one spot in
9 front, along -- and on the -- on the right hand
10 side, we show the water meters and -- and water
11 meters, and also the sprinkler system.

12 As you know, this is going to be a brand
13 new three families, so everything is going to be
14 up-to-date, code-wise, there's going to be fully
15 sprinklered system, fire rated walls, partitions
16 -- you know, so basically, it's going to be a
17 very safe condition. As a matter of fact, much
18 better than what's existing at this point in
19 time.

20 MR. MULKAY: The existing condition now
21 doesn't have sprinklers and it's not rated to --
22 fire rated per the current Code.

23 Correct?

24 MR. ARENCIBIA: That is correct. That is
25 correct.

1 So, that's one of the good positive things
2 about this application, as well, too.

3 Along the left hand side of the proper --
4 of each of the houses, we're going to have an
5 access walkway that takes you to the area where
6 you can actually have your trash cans along the
7 rear, and you're able to get out a second means
8 of egress from the actual parking structure
9 itself, so we have two-ways to get out for safety
10 reasons. So, that's another positive attribute
11 of this application.

12 As you can see here, the property line, we
13 actually set back, we actually put a 42 inch
14 sidewalk, concrete sidewalk and behind that, we
15 actually -- we have the stairs leading up to the
16 residential units above.

17 For safety consideration, we've also added
18 individual lamp -- light poles in front of each
19 of the units, in order to provide nice ample
20 lighting on the streetscape, as well because --
21 so, now, basically, there will be plenty of light
22 lighting up this entire area, where you have your
23 sidewalk.

24 And again, don't forget, on the other side,
25 you basically have buildings right against the

1 | property line. So, it will definitely help not
2 | only our properties, but also the adjacent
3 | properties as well, too.

4 | So, as you go to the second floor, you go
5 | up the stairs. There's a door to go left that
6 | takes you into the first unit.

7 | All -- all of the units are three bedrooms,
8 | two baths.

9 | The configuration is a little different,
10 | but on the ground floor, it's basically a flat,
11 | so it's one floor where the master bedroom and
12 | its own bathroom, walk-in closets. And then, you
13 | have two additional bedrooms and they share one
14 | bathroom.

15 | Nice, open kitchen layout, dining area,
16 | living room area.

17 | So, it's very spacious. It's very
18 | comfortable. You also have -- all of the units
19 | are going to have their own washer/dryers, your
20 | own hot water heater, individually metered, so
21 | it's going to be completely self-sufficient.

22 | As you continue up the stairs, and you go
23 | to the third floor, this is where it comes a
24 | little different. You're basically going to be
25 | going to a hallway upstairs, where you have two

1 | doors. One door leads to a front unit and
2 | another door leads to a rear unit.

3 | So, basically, on these -- on this floor,
4 | this is basically the living area of -- of this
5 | unit. It basically is a duplex in the front and
6 | a duplex at the rear. So, your living areas are
7 | in the front, living areas in the rear. Living
8 | room, dining area, open kitchen, hot -- hot water
9 | heater, HVAC, washer/dryer, little half a
10 | bathroom.

11 | And then, as you go upstairs, continue
12 | going upstairs, and that's where you're going to
13 | have your three bedrooms, one master bedroom --
14 | one master bedroom in the front, one master
15 | bedroom at the rear, and two bedrooms in the
16 | middle of the property. Again, sharing the same
17 | common bathroom.

18 | So, the duplex configuration, but again
19 | three -- three bedrooms, two baths, basically the
20 | configuration.

21 | On New York Avenue, the design is a little
22 | different because of the location. And what we
23 | did was we basically created a access into the
24 | driveway, where we have four cars indoors and we
25 | have two cars parked outside the building itself.

1 As you come off the main entrance, you come
2 into the lobbies and entrance door there, stairs
3 take you upstairs. You also have another stairs
4 at the rear of the property, with a recycling and
5 refuge area underneath the stairs at the rear.

6 One of the things that's interesting in
7 this building, we -- we wanted to have
8 convenience for the residents, so what we did,
9 put a small elevator. So, basically, all the
10 units are accessed directly by an elevator. So,
11 you take the elevator up. You open your key and
12 you go right into your apartment upstairs.

13 So, basically, on the floors upstairs,
14 there is three -- three bedroom -- three
15 bedrooms, two baths. At the rear of the
16 property, we have a small little outdoor balcony,
17 13 -- 13 feet by about 12 -- by about 12 feet.
18 And that's accessed off of the master bedroom in
19 the -- in all of the -- in all of the floors.

20 So, it's very nice, open space, as far as
21 the units on the upstairs. And we have a very
22 comfortable driveway coming in. We have diagonal
23 parking for three cars and one at the very rear
24 of the property.

25 So, of course, the mechanical, sprinkler

1 rooms, water meter rooms are going to be on the
2 ground floor, as well, too here.

3 Going to A-200, we basically show here,
4 these are -- these are the streets on Tournade.
5 And you could see, basically, the garage doors on
6 the ground floor, here's the stairs leading out,
7 the entrance door to the units. We're basically
8 going to have open door in the front, with a nice
9 balcony door -- window -- excuse me -- guardrail
10 in the front of the building itself. And you see
11 here, the windows for the actual lighting into
12 the stairwells of the building, going up into the
13 upper floor areas.

14 Please note the -- also, the street lights,
15 previously location of the street lights. So,
16 you could see, it's going to have a nice direct
17 impact on all of the areas in between those --
18 the units themselves, and also across the street
19 itself.

20 The façade elevation materials, we're
21 proposing on having brick block along the back --
22 bottom, and cement board, finishes along the
23 front of the building itself, with a nice bracket
24 detailing some nice metal cornice at the very top
25 of the building itself.

1 The sides of the building will be siding,
2 as well as the rear of the building, as well.

3 On the ground floor, of course, will be the
4 cement block, finished cement block, all -- all
5 on the ground floor, wrapping all four sides of
6 the building itself.

7 On the New York Avenue design, it's really
8 similar, a little different, based on the ground
9 floor and the stair configuration in the front.
10 But in essence, all of the building elements that
11 we had on the -- on the other Tournade homes,
12 we're bringing it over to here, to kind of give
13 it a consistent overall look and give it a nice
14 feel, as far as a nice development in the area.

15 Again, you see the windows in the stairs.
16 You see windows in the ground floor that
17 basically access the -- the lobby. And you see
18 the nice big open windows in the front to give
19 lots of light and air to the living room areas,
20 and also to the bedrooms, as well.

21 CHAIRMAN BONACCI: Do you have any other
22 testimony or it's just Mr. Arencibia?

23 MR. MULKAY: No. We have our planner and
24 we have our traffic engineer.

25 CHAIRMAN BONACCI: I was just going to say,

1 I'll save my questions until you --

2 MR. MULKAY: You want to save it to the
3 end?

4 CHAIRMAN BONACCI: Yeah.

5 MR. MULKAY: Okay. All right.

6 Our next expert is our traffic expert.

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

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

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

13 MR. CHASE: I do.

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

16 MR. CHASE: It's Corey Chase. First name's
17 C-O-R-E-Y, last name, C-H-A-S-E.

18 MS. DILLON: Thank you.

19 MR. CHASE: I'll qualify myself.

20 I'm a principal with Dynamic Traffic,
21 licensed professional engineer in the State of
22 New Jersey, five other states. Been practicing
23 traffic engineering for over 17 years. I've been
24 qualified as an expert before over 80
25 municipalities throughout the State.

1 Unfortunately, not this one. But I've been
2 before Jersey City, West New York, Guttenberg,
3 North Bergen, to name a few in the area.

4 CHAIRMAN BONACCI: Mr. Chase, thanks.

5 We accept your qualifications.

6 MR. CHASE: Thanks.

7 MR. MULKAY: Mr. Chase, did you have an
8 opportunity to review the proposed plan and the
9 proposed project?

10 MR. CHASE: I did.

11 MR. MULKAY: Did you -- did you see the
12 layout of the buildings, did you see the layout
13 of the street?

14 MR. PANEQUE: Mr. Mulkay?

15 MR. MULKAY: Yes.

16 MR. PANEQUE: Can you take a step back?

17 MR. MULKAY: Oh, I'm sorry.

18 MR. PANEQUE: Need to pick you up.

19 MR. CHASE: I did. Yes.

20 MR. MULKAY: Could you explain, first, to
21 the Board as to the -- the street width and the
22 traffic flow, on the street on Tournade corner?
23 Can you explain to the Board how this project
24 would impact traffic on that street and if it's
25 appropriate at all?

1 MR. CHASE: Certainly.

2 As part of our role in the project, we
3 evaluated the -- the access to the site, and as
4 well as the traffic that would be generated by
5 the six new three family homes.

6 To do that, we looked at data published by
7 the Institute of Transportation Engineers, which
8 is the national and state recognized standard for
9 projecting traffic volumes.

10 Based on the total of 18 new residential
11 units that would be proposed, as part of the six
12 three family homes, they would generate a maximum
13 of eight trips during the peak hour.

14 What that -- just to give the Board an idea
15 as to the level of traffic generation, the
16 Institute of Transportation Engineers and NJDOT,
17 they set a threshold of 100 trips during a peak
18 hour, as a level of significant increase in
19 traffic.

20 So, this development would only generate
21 eight trips during the peak hour, so we'd be at
22 approximately eight percent of that threshold for
23 creating a significant increase in traffic.

24 Eight trips during a peak hour, that's one
25 to two trips every ten minutes. So, obviously,

1 the -- the residential units would not be a
2 significant source of traffic generation in the
3 area. Certainly, along New York Avenue and
4 Bergenline Avenue, you wouldn't notice any
5 additional traffic, as a result of this
6 development.

7 We also took a look at the street width. I
8 know Mr. Arencibia mentioned earlier, his office
9 looked at the -- the ability for a fire truck to
10 access this from New York Avenue, and then,
11 obviously, back onto Bergenline.

12 With the fire station being to the east of
13 the property, at 16th Street, obviously, we looked
14 at the right turn in, that's the most likely
15 route of travel for the fire truck.

16 The road width, it varies along the --
17 between Bergenline and New York Avenue. It goes
18 from 15 feet, at its most narrow point, to 19
19 feet, at its most wide point.

20 Mr. Arencibia also mentioned, we're going
21 to be stepping our property back, so it's
22 actually going to be a little bit wider along our
23 frontage, than it is today, whereas the building
24 sits right up against the curb line.

25 And just to give the Board an idea,

1 Bergenline actually, if you measure the width
2 between the parked cars along Bergenline, between
3 12th and 13th, it's only 13 feet wide. So,
4 although given the appearance of this road, with
5 the building set close to the edge of the road,
6 it appears narrow. It's actually wider than
7 Bergenline when you factor in the parked cars on
8 either side.

9 So, based on that, we think that there's
10 going to be adequate circulation, adequate
11 access. We meet the parking as required. We're
12 providing the -- the appropriate number of
13 parking spaces for the proposed development. And
14 it's not going to be a significant source of
15 traffic generation. So, we don't see any
16 detrimental impacts to the adjacent roadway
17 networks.

18 MR. MULKAY: With respect to the parking
19 and the vehicles, and the traffic pulling in and
20 out of the houses, do you see any problem with
21 it, or is it adequate, and does it comply with
22 standard traffic -- traffic conditions?

23 MR. CHASE: It is going to be adequate.

24 Again, it's a -- it's a one-way roadway,
25 obviously. So, that makes the maneuvers both in

1 and out easy. There's less conflicting
2 movements, and it is certainly a low volume
3 roadway.

4 MR. MULKAY: Compared to the warehouse that
5 was there, I -- I assume that the warehouse
6 generated trucks and bigger traffic than the cars
7 would be.

8 Is that correct?

9 MR. CHASE: Certainly.

10 That's -- that's a fair assumption. You
11 know, the warehouse certainly would have
12 generated trucks at some point. Obviously, had
13 employees that were all likely arriving at one
14 time, and then leaving at one time; whereas,
15 residential traffic tends to be more spread out.
16 You know, people generally leave between five and
17 nine a.m. in the morning. So, there's much
18 greater dispersion as opposed to a factory or a
19 warehouse, where they would -- you know, need to
20 arrive at eight or nine a.m. and leave at four or
21 five p.m.

22 MR. MULKAY: Okay.

23 I have nothing further.

24 CHAIRMAN BONACCI: Okay.

25 Thanks, Mr. Chase.

1 MR. CHASE: Thank you.

2 CHAIRMAN BONACCI: We're just -- I'm going
3 to save my questions.

4 MR. MULKAY: That's fine.

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

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

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

11 MR. KHAN: I do.

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

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

15 MS. DILLON: Thank you.

16 CHAIRMAN BONACCI: Mr. Khan, you're going
17 to provide us testimony on the planning?

18 MR. KHAN: Engineering.

19 CHAIRMAN BONACCI: Engineering.

20 MR. KHAN: And I have testified a few
21 months back for the same application in front of
22 the Board. Just my qualification --

23 CHAIRMAN BONACCI: This -- this Board?

24 MR. KHAN: Yes.

25 CHAIRMAN BONACCI: Okay.

1 MR. KHAN: I have a Bachelors in civil
2 engineering, Masters in construction management.
3 Testified over a hundred years (sic) -- hundred
4 boards -- hundred Boards over 30 year period.
5 So, like I -- when I was testified as an expert
6 witness in Superior Court, as well.

7 CHAIRMAN BONACCI: Thanks.

8 We -- we accept your qualifications.

9 MR. KHAN: Thank you.

10 All right.

11 I don't have much to add beside -- beside
12 what Mr. Arencibia already go through with the
13 layout.

14 However, one thing I would like to mention
15 is we are also proposing stormwater management
16 for each unit, or for each structure. Each
17 structure will have their own independent pipe
18 detention system, which will be located in the
19 lower floor, under -- under the garage floor. It
20 consists of like the pipes where all the roof
21 runoff will be tied into it, and it will be
22 discharged through an outlet controlled
23 structure, into the city sewer system.

24 Currently, there is no stormwater
25 management from the property. Everything that

1 sheet flows -- flows onto the street, either on
2 New York Avenue or Tournade Street. So, what we
3 are doing is like for each unit, which will have
4 its independent stormwater system.

5 Also, we are proposing separate utilities
6 for each unit, which includes water, gas,
7 electric and sewer. So, each unit will have
8 separate utilities.

9 And in addition to that, we are proposing
10 some landscaping towards the rear of the
11 property, where all these houses, you'll see like
12 we have -- we are showing some landscaping,
13 mixture of different trees and shrubs, towards
14 the rear of the property to provide some
15 screening from the neighboring adjacent
16 properties.

17 So, that's pretty much it. Like that's --
18 I just want to explain.

19 MR. MULKAY: In -- in your opinion, to sum
20 it up, this will be a significant improvement
21 from what currently exists on the property.

22 MR. KHAN: Absolutely.

23 MR. MULKAY: Correct?

24 And the -- the size, dimension of the
25 property, do you think the -- it would adequately

1 accommodate the four -- the five units on
2 Tournade corner and the one on -- on New York
3 Avenue?

4 MR. KHAN: Yes. Yes.

5 MR. MULKAY: All right.

6 I have one more expert.

7 CHAIRMAN BONACCI: Okay.

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

10 MS. DILLON: Mr. Pessolano was previously
11 sworn.

12 CHAIRMAN BONACCI: Okay, Mr. Pessolano.

13 MR. PESSOLANO: My license is good. I just
14 forgot my name since the last time.

15 This will be quick.

16 Planning testimony certainly appropriate,
17 where a D-1 use variance is required for one
18 element of our project, which is the parcel that
19 fronts on New York Avenue.

20 Mr. Arencibia did a nice job of setting the
21 stage for me to just move forward from there,
22 really. It's already pretty much residential
23 area. This is not a disturbance of that existing
24 development pattern.

25 We have relief required for a use of a

1 three family in a zone that does permit
2 apartments on the second floor above commercial,
3 but not specifically permitting a three family
4 home.

5 The three family home use is permitted
6 directly adjacent with the other five of the six
7 lots.

8 So, the -- the five of the six lots where a
9 three family use is permitted, occur in the
10 residential low -- low density zone. One lot is
11 in the CN zone, commercial neighborhood zone.
12 So, we need a use variance for the one lot only
13 that is in the CN zone for a three family
14 dwelling.

15 We also need bulk relief for height, slight
16 overage above the 40 foot limit, at 42.33 feet.

17 Is that correct still, Albert?

18 MR. ARENCIBIA: Um hum.

19 MR. PESSOLANO: And an interrelated number
20 of stories, four stories versus three. I think,
21 clearly, that's appropriately -- appropriate
22 where you had parking occupying the entire first
23 level.

24 Building coverage is also slightly above
25 the 60 percent maximum. We have 63.48 percent.

1 And this applies to the lots in the R zone, not
2 to the lot that needs the use variance.

3 So, the three family use in the CN district
4 sustains the four elements of proof required by
5 the Medici test.

6 Special reasons is the first part of it.
7 We're proposing revitalization. This development
8 puts underutilized valuable city land that's
9 stagnant now to functional use, providing much
10 needed housing for the families involved that
11 would receive it.

12 The new housing stock certainly responds to
13 the planning goal for a variety of housing types
14 and very directly speaks to recent planning
15 policy focusing on populating the city more with
16 three family dwellings than in any other form.

17 Efficient use of land, redevelopment of
18 vacant land in the urban core of the Metropolitan
19 area is a goal of the State plan. We have
20 aesthetics very definitely being advanced here.
21 Redevelopment will drastically improve the -- the
22 visual appearance of this now rundown and under
23 functioning site.

24 All of these things promote purposes of
25 zoning, especially purpose A, G, I, and M. If

1 | you want, I can detail those.

2 | Site suitability very clearly following my
3 | opening remarks, residential development is very
4 | compatible with the adjacent permitted
5 | residential development of three family uses, and
6 | the overall area, the tone of development is --
7 | leans much to the -- more to the residential side
8 | than the commercial in this immediate site area.

9 | Public impacts associated with the
10 | proposal. The use and associated site layout are
11 | designed to function safely and efficiently. The
12 | Board was kind enough to -- to hear the testimony
13 | from our prior experts before me, to vet out that
14 | and you'll probably return with questions, but I
15 | believe that the -- the site design and its
16 | access meet the standards for the -- the three
17 | family uses that are proposed there. But the
18 | focus of this testimony is just on the -- the one
19 | that's not conforming on New York Avenue and --
20 | and clearly, it is not impacted by access issues.

21 | MR. MULKAY: Just to be clear, on New York
22 | Avenue, on that side of the street, there's no
23 | mixed use or commercial property currently
24 | existing, they're all residential.

25 | Correct?

1 MR. PESSOLANO: That is my perception of
2 it, yes.

3 MR. MULKAY: And -- and, in fact, in the
4 corner of this property, on the corner of New
5 York Avenue and -- and this street, Tournade,
6 there's a new development going up that's five
7 stories, that's only residential.

8 Isn't that correct?

9 MR. PESSOLANO: That is my understanding,
10 as well.

11 MR. MULKAY: And this would be more
12 consistent with that character --

13 MR. PESSOLANO: Oh, definitely.

14 MR. MULKAY: -- of that neighborhood. In
15 fact, a mixed use property here would stand out
16 and would not be really in conformance with that
17 zone.

18 Correct, --

19 MR. PESSOLANO: Yes. We're not --

20 MR. MULKAY: -- with that neighborhood?

21 MR. PESSOLANO: We're not proposing to turn
22 the -- the zone plan on its end. On the other
23 hand, we're trying to match the fabric of the
24 neighborhood that exists. And I think this
25 proposal does that very nicely.

1 So, it will not be at all out of character
2 with the area, let --

3 MR. MULKAY: So --

4 MR. PESSOLANO: -- alone substantially.

5 MR. MULKAY: So, you would agree with me
6 that this is a unique property, in that it sits
7 in a commercial zone, but it's in a neighborhood
8 where it's only residential development on that
9 street.

10 Correct?

11 MR. PESSOLANO: Yes. That --

12 MR. MULKAY: All right.

13 MR. PESSOLANO: -- has developed --

14 MR. MULKAY: That will make it --

15 MR. PESSOLANO: -- organically and -- and
16 that's the way we're proposing to continue.

17 MR. MULKAY: Okay.

18 That will be consistent with prior
19 approvals that this Board gave on the corner of
20 that street, to develop that five story building.

21 MR. PESSOLANO: It continues the planning
22 in the direction that it has taken.

23 MR. MULKAY: That this Board has --

24 MR. PESSOLANO: Yes.

25 MR. MULKAY: Okay.

1 MR. PESSOLANO: Um hum.

2 I feel that the grant of the relief is not
3 tantamount to a rezoning here. It certainly
4 doesn't erode the integrity of the CN zone in any
5 tangible way.

6 As for bulk relief, the -- the two elements
7 of relief, I believe, can be easily approved
8 pursuant to the flexible C. In other words, the
9 balancing test, the C-2 analysis, as I've called
10 it before, as a better zoning alternative.

11 The benefits of the application as a whole
12 outweigh the detriments here. We have all the
13 benefits of the new housing associated with this
14 project to -- to carry forward the -- the
15 benefits of the use that I just described. They
16 carry forward as well, all of the bulk relief
17 that we're proposing. And -- and again, minor in
18 nature is necessary to effectuate an overall
19 beneficial redevelopment of this site.

20 As far as any detriments, the rear setback
21 meets the Master Plan recommendation for the R
22 zone of five feet.

23 The building coverage meets the Master Plan
24 recommendation -- recommendation of 80 percent.

25 The building height is de minimis relief,

1 | only 2.33 feet above the requirement, and is not
2 | clearly perceivable, in my opinion, as a
3 | deviation. You would need to measure it to know
4 | it was out of alignment with the -- the technical
5 | requirement.

6 | It provides the planning benefit, though,
7 | of parking on the site and that's key to the
8 | height relief here.

9 | And its overall positive impact
10 | proportionally in terms of the aesthetics of the
11 | overall design of the project. So, the height is
12 | certainly not a detriment in my opinion.

13 | The entire project is self-sufficient as to
14 | parking, which is a good thing, always.

15 | And substantially conforming to all other
16 | major zoning parameters.

17 | So, in conclusion, I find that the
18 | application has a significant investment in the
19 | site, will add value, considerable value,
20 | actually, to -- to this neighborhood. The scale
21 | and intensity of the project is modest. The
22 | relief sought is not significant. All relief
23 | satisfies the statutory criteria for grant of
24 | relief and approval is, indeed, warranted in my
25 | opinion.

1 Thank you.

2 MR. MULKAY: In your opinion, the proposed
3 project brings it more into conformity with the
4 zone that's currently a residential zone.

5 Correct?

6 MR. PESSOLANO: Well, it's still a
7 commercial neighborhood zone, but it -- it's in
8 conformity with the existing uses on the ground.

9 MR. MULKAY: But on Tournade corner, it's a
10 residential zone.

11 MR. PESSOLANO: Yes.

12 MR. MULKAY: Correct?

13 So those --

14 MR. PESSOLANO: Correct.

15 MR. MULKAY: So, with respect to those
16 houses, this brings it more into conformity with
17 the zone, than what currently exists there.

18 MR. PESSOLANO: It converts industrial to
19 residential. Again, a winning proposition.

20 MR. MULKAY: Okay.

21 Thank you.

22 MR. PESSOLANO: Thank you.

23 CHAIRMAN BONACCI: Okay.

24 We'll start with Mr. Arencibia, if that's
25 it with your testimony?

1 MR. MULKAY: That is correct.

2 CHAIRMAN BONACCI: Okay.

3 Mr. Arencibia, I just want to make sure
4 that I have a couple of things correct.

5 So, you guys going to subdivide the six
6 lots. New lots. And there's going to be three
7 family on each of those.

8 MR. ARENCIBIA: Correct. Well, yes. We're
9 actually --

10 MR. MULKAY: Just --

11 MR. ARENCIBIA: We're actually changing the
12 -- the size of the lots in order to be more
13 consistent. So, --

14 MR. MULKAY: Just --

15 MR. ARENCIBIA: -- the one on New York
16 Avenue stays exactly the same, only the one on
17 Tournade do we adjust the sizes.

18 MR. MULKAY: Just for the Chairman's
19 benefit --

20 CHAIRMAN BONACCI: Yes.

21 MR. MULKAY: -- it currently exists six
22 lots on the property. Just the six lots are --
23 the ones on Tournade are significantly smaller,
24 and there's one large one.

25 Correct?

1 MR. ARENCIBIA: Correct.

2 MR. MULKAY: And the idea is we're dividing
3 them more equally to bring them -- to make them
4 -- to make it a better layout.

5 MR. ARENCIBIA: Correct.

6 MR. MULKAY: Correct?

7 MR. ARENCIBIA: And there -- and the
8 smaller size of all those lots is larger than
9 what is permitted for any three family. So --

10 MR. MULKAY: Correct.

11 MR. ARENCIBIA: -- you're -- you're ahead
12 of the game.

13 CHAIRMAN BONACCI: So, 18 units total.

14 MR. ARENCIBIA: Um hum.

15 CHAIRMAN BONACCI: If we added all the
16 units.

17 MR. ARENCIBIA: Yes.

18 CHAIRMAN BONACCI: Okay.

19 MR. ARENCIBIA: I'm sorry. I didn't do the
20 math that quick.

21 CHAIRMAN BONACCI: And then, there's three
22 bedroom for each of them, so that would be 54
23 bedrooms, three?

24 MR. ARENCIBIA: Three, 18, yes.

25 CHAIRMAN BONACCI: Okay.

1 Fifty-four bedrooms.

2 The narrowness of Tournade is unique; you
3 would testify.

4 Yes, no?

5 MR. ARENCIBIA: Well, yes. It's existing
6 condition and it's not anything that --

7 CHAIRMAN BONACCI: And the fact that the
8 application is split between two zones is also
9 kind of unique. We don't really get many
10 applications that are split between two zones.
11 Right?

12 MR. ARENCIBIA: Well, yes. It's a little
13 different. I mean, I've had other applications
14 that does that, but yes.

15 MR. MULKAY: But you would agree, just as
16 to the point of Tournade, the width -- the width
17 of Tournade, we've had -- you've been able to
18 evaluate the street width of most streets in
19 Union City, going up east to west.

20 Correct?

21 MR. ARENCIBIA: Yes.

22 MR. MULKAY: And Tournade is not narrow,
23 relative to most of the streets in Union City
24 when you take into account the parking on either
25 side.

1 MR. ARENCIBIA: That's correct.

2 And I believe, as a matter of fact, I think
3 -- I think Mr. Price has also indicated, one time
4 before, that there was a fire on this -- on the
5 street, or something, years ago, and the fire
6 truck went up and down the street without any
7 problem. So, there's not -- it's not a fire
8 access issue whatsoever.

9 As a matter of fact, what we're putting are
10 -- are structures, but we're actually making it
11 better by putting the sidewalk in front, as well.

12 MR. MULKAY: And even without the sidewalk,
13 as -- as the traffic expert testified before,
14 this street is actually wider than Bergenline,
15 from 12th to 13th Street.

16 MR. ARENCIBIA: Correct.

17 MR. MULKAY: Correct?

18 MR. ARENCIBIA: Correct.

19 MR. MULKAY: So, it's not a narrow street,
20 as it's perceived just because there's no
21 sidewalk on the street.

22 MR. ARENCIBIA: Correct. Um hum.

23 CHAIRMAN BONACCI: Okay.

24 You mentioned the sidewalk in your
25 testimony.

1 MR. ARENCIBIA: Yes. Um hum.

2 CHAIRMAN BONACCI: So, you guys are going
3 to be providing a sidewalk.

4 MR. ARENCIBIA: On -- in our frontage on
5 that street, yes.

6 CHAIRMAN BONACCI: Okay.

7 I don't think we got the size of the
8 sidewalk.

9 MR. ARENCIBIA: Forty-two inches.

10 CHAIRMAN BONACCI: Okay.

11 You mind if I just ask --

12 MR. ARENCIBIA: Sure.

13 CHAIRMAN BONACCI: -- Mr. Spatz?

14 Forty-two inches for the sidewalk. Is that
15 -- you know, like a permitted size of the
16 sidewalk?

17 MR. SPATZ: They -- they don't really have
18 standards, certainly not in the Zoning Ordinance,
19 currently, and the Building Department would
20 review that. I think it's, at most, a Building
21 Code issue.

22 MR. ARENCIBIA: Um hum.

23 MR. SPATZ: As to the width of this --
24 required width of a sidewalk. But I think that
25 the 42 inches is sufficient.

1 CHAIRMAN BONACCI: Like compared to what a
2 sidewalk would be like in the front of this
3 building, for example?

4 MR. ARENCIBIA: Right.

5 CHAIRMAN BONACCI: Pretty much matches it,
6 42?

7 MR. ARENCIBIA: No. This is -- this is a
8 little larger.

9 CHAIRMAN BONACCI: Okay.

10 MR. ARENCIBIA: But I mean, with three foot
11 six, you can two people walking, side by side,
12 next to --

13 MR. SPATZ: Right.

14 MR. ARENCIBIA: -- each other, without a
15 problem.

16 MR. SPATZ: Right.

17 CHAIRMAN BONACCI: So, we'd be off by,
18 what, ten inches? Less? More?

19 MR. ARENCIBIA: I would say probably -- I
20 would say sidewalk, maybe five foot would be a
21 normal sidewalk.

22 CHAIRMAN BONACCI: And you guys have 42
23 inches.

24 MR. ARENCIBIA: But don't -- don't forget
25 also, we also have a driveway which you have more

1 space there. So --

2 CHAIRMAN BONACCI: Okay.

3 MR. ARENCIBIA: -- while we do have that
4 and we also have a parking space and that car is
5 going to be probably a little tight, so we will
6 have a little more room --

7 CHAIRMAN BONACCI: Okay.

8 MR. ARENCIBIA: -- as far as that's
9 concerned.

10 CHAIRMAN BONACCI: And when you guys
11 compare like Tournade to, let's say Bergenline,
12 --

13 MR. ARENCIBIA: Right.

14 CHAIRMAN BONACCI: -- you're talking about
15 Bergenline, just the part you could actually
16 drive on, minus the -- the cars that are already
17 parked there.

18 MR. ARENCIBIA: Correct.

19 CHAIRMAN BONACCI: So, you're saying that
20 Tournade, in comparison to Bergenline, when
21 there's cars parked on both sides, equal?

22 MR. ARENCIBIA: No.

23 MR. MULKAY: No. Bergenline is narrower by
24 about a foot and a half.

25 MR. ARENCIBIA: Roughly.

1 MR. MULKAY: About two feet --

2 CHAIRMAN BONACCI: Okay.

3 MR. MULKAY: -- narrower. One point,
4 Tournade widens to 18 feet. So, --

5 CHAIRMAN BONACCI: Um hum.

6 MR. MULKAY: -- Tournade is actually
7 significantly wider than Bergenline in that -- in
8 spot.

9 Also, I mean, my client's here and he can
10 testify as to it, he did every street east to
11 west in Union City, and about half the streets
12 were actually narrower, between cars parked,
13 which is what we could -- what I think the
14 Board's concern was, and I think the concern is,
15 cars driving up and down this street. There's no
16 parking permitted on that street. So, cars
17 wouldn't be able to park on that street.

18 CHAIRMAN BONACCI: Now, I heard testimony
19 that Tournade actually kind of -- the narrowness
20 varies from 15 feet to 19 feet.

21 MR. MULKAY: Correct.

22 CHAIRMAN BONACCI: Okay.

23 So, at its most narrow point, 15 feet, not
24 trying to get too technical, but how much of it
25 stays at 15 feet as opposed to the rest of it?

1 MR. ARENCIBIA: I don't know.

2 CHAIRMAN BONACCI: Ninety percent? Fifty?

3 MR. ARENCIBIA: This is a job for the
4 hundred year old man.

5 CHAIRMAN BONACCI: Yeah. I didn't mean to
6 mix you guys up.

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

9 MR. KHAN: I would say somewhere around
10 like 50 feet.

11 MS. DILLON: Wait. Can you come to the
12 microphone, Mr. Khan?

13 CHAIRMAN BONACCI: I'm sorry, Mr. Khan.

14 MR. KHAN: Yeah.

15 CHAIRMAN BONACCI: So, that question, I
16 guess, was more appropriate for you. Okay. So,
17 let me just ask that question again.

18 The narrowness of Tournade, it varies from
19 15 to 19 feet. At its most narrow point, 15
20 feet, how much of a percentage of that area would
21 be at its most narrow point of 15 feet? Would
22 you say 50 percent, more or less?

23 MR. KHAN: I -- I would probably say less
24 than 50 percent.

25 CHAIRMAN BONACCI: Less than --

1 MR. KHAN: Because we --

2 CHAIRMAN BONACCI: Okay.

3 MR. KHAN: We don't have the survey of the
4 entire street.

5 CHAIRMAN BONACCI: Okay.

6 MR. KHAN: So, yeah.

7 MR. MULKAY: Just if I may expand?

8 The street, basically, it's like a cone.
9 So, it starts at 19 feet at New York Avenue and
10 it slowly goes down towards 15 feet.

11 Correct?

12 MR. KHAN: That's my understanding, yes.

13 MR. MULKAY: It's not like there's jig-
14 jaggging back --

15 MR. KHAN: No. No.

16 MR. MULKAY: Zigzagging back and forth.
17 It's basically a straight street and it -- it's
18 like a cone, so at the end, it's 15 feet. But as
19 -- right off of Bergenline, if you start coming
20 towards New York Avenue, it starts to widen.

21 Correct?

22 MR. KHAN: That's right.

23 MR. MULKAY: And it's a slope of actually
24 wide -- all the way to 19 feet.

25 MR. KHAN: That's right.

1 MR. MULKAY: Okay.

2 CHAIRMAN BONACCI: Okay.

3 Just one more --

4 MR. KHAN: And it's a one-way street.

5 CHAIRMAN BONACCI: Okay.

6 MR. MULKAY: And it is a --

7 CHAIRMAN BONACCI: One more question with
8 that.

9 So, 15 feet, and let's say we minused 42
10 inches of the sidewalk.

11 Right?

12 MR. MULKAY: No, you would add it. You
13 would add the 42 inches.

14 So -- so 15 feet plus 42 inches. So, you
15 would end up, where the houses, where the
16 proposed project is --

17 CHAIRMAN BONACCI: Right.

18 MR. MULKAY: -- it would actually be 20
19 feet.

20 CHAIRMAN BONACCI: Okay.

21 MR. MULKAY: Because you're adding 15 plus
22 the 42 inches.

23 CHAIRMAN BONACCI: Okay.

24 MR. MULKAY: Three and a half feet.

25 CHAIRMAN BONACCI: So, if I'm considering

1 the narrowness of the street, and then, I'm
2 trying to imagine a sidewalk now being there,
3 because there is no sidewalk currently.

4 MR. MULKAY: Correct.

5 CHAIRMAN BONACCI: That's going to take
6 away --

7 MR. MULKAY: No, it's going to add.

8 MR. ARENCIBIA: No, the sidewalk is on our
9 property.

10 MR. MULKAY: It's on our property. It's
11 not on the street.

12 CHAIRMAN BONACCI: Not on Tournade.

13 MR. MULKAY: No. It's not on Tournade.
14 It's on our property. We're pushing that -- so
15 current -- if -- if you go to the drawing 102 for
16 the Board?

17 If you can just go to drawing 102?

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

20 MR. KHAN: Yeah. This is the building.

21 CHAIRMAN BONACCI: Okay.

22 That's Tournade.

23 MR. KHAN: That's Tournade. And that's
24 preexisting.

25 MR. MULKAY: So, for the Board's purposes,

1 T-103.

2 CHAIRMAN BONACCI: Okay.

3 MR. MULKAY: So, that's the existing
4 structure, which is up to the property line.

5 CHAIRMAN BONACCI: Gotcha.

6 MR. KHAN: And actually, this structure is
7 about hundred feet from New York Avenue.

8 CHAIRMAN BONACCI: Okay.

9 MR. KHAN: So -- so we still have like it's
10 wider than 15 feet, because the narrowest part is
11 touching New York Avenue.

12 CHAIRMAN BONACCI: Now, does your
13 application propose a sidewalk to be on Tournade?

14 MR. MULKAY: No. The sidewalk is going to
15 --

16 Mr. Arencibia, can you explain it?

17 MR. ARENCIBIA: The sidewalk is going to be
18 basically from here back. So, this width does
19 not get affected whatsoever. We actually have --

20 MR. MULKAY: It --

21 MR. ARENCIBIA: -- the sidewalk within our
22 property. So, we built our sidewalk on our
23 property, so not to --

24 MR. MULKAY: Just --

25 CHAIRMAN BONACCI: It's on your -- got it.

1 Okay.

2 MR. ARENCIBIA: Not to encroach at all.

3 MR. MULKAY: Just to clarify that point.

4 It actually does get effected. We make it better
5 because we're making it wider.

6 Correct?

7 MR. ARENCIBIA: That's correct.

8 MR. MULKAY: So, we're moving the wall
9 back. And -- and just for the -- for the
10 Chairman's point of view, the point that you
11 stated before, for the Board's benefit, the --
12 only the -- only where the step, the first step
13 of the stairs is, is going to be 42 inches, but
14 the entire driveway and the house is actually set
15 back --

16 MR. ARENCIBIA: Set back.

17 MR. MULKAY: How many?

18 MR. ARENCIBIA: Over ten feet.

19 MR. MULKAY: Over ten feet back.

20 MR. ARENCIBIA: Right.

21 MR. MULKAY: So -- so, during the five home
22 space area, there's actually going to be, for all
23 intents and purposes, 25 feet, approximately --

24 CHAIRMAN BONACCI: So, your testimony is --

25 MR. MULKAY: -- in that area.

1 CHAIRMAN BONACCI: -- that you would
2 improve the accessibility of --

3 MR. ARENCIBIA: Signi --

4 CHAIRMAN BONACCI: -- a safety vehicle?

5 MR. ARENCIBIA: Significantly. Without a
6 doubt.

7 CHAIRMAN BONACCI: Okay. Yeah. That's --
8 that's important.

9 Thank you guys for clearing that up.

10 I'm going to just see if anybody else has
11 any --

12 VICE CHAIRMAN GRULLON: On the -- on the
13 driveway, are you going to have a parking space?

14 MR. ARENCIBIA: Yes.

15 VICE CHAIRMAN GRULLON: There's going to be
16 a car parked there?

17 MR. ARENCIBIA: Yes. There will be one car
18 parked there.

19 VICE CHAIRMAN GRULLON: And how -- how long
20 is the car that is going to be parked?

21 MR. ARENCIBIA: We have a compact spot
22 there, so it's 15 feet deep.

23 VICE CHAIRMAN GRULLON: Fifteen feet deep.

24 MR. ARENCIBIA: So, it's 15 feet, plus
25 three and a half feet.

1 VICE CHAIRMAN GRULLON: The property is
2 going to be set back 15 feet from the 42 inches
3 --

4 MR. ARENCIBIA: On the ground floor, yes.

5 VICE CHAIRMAN GRULLON: -- sidewalk.

6 MR. ARENCIBIA: Correct. Yes.

7 MR. MULKAY: So, then the house is set back
8 --

9 MR. ARENCIBIA: So --

10 MR. MULKAY: -- 19 --

11 MR. ARENCIBIA: But the thing is -- it's 15
12 feet on the ground floor. And then, you have
13 your three and a half foot sidewalk. And then,
14 you have your street.

15 MR. MULKAY: So, 18 and a half feet. The
16 house is set back 18.

17 MR. KHAN: Eighteen point four.

18 MR. MULKAY: Can -- can you say --

19 MR. KHAN: Yeah. So, the structure --

20 MR. MULKAY: He's --

21 MR. KHAN: The proposed structure is set
22 back from about -- it's 18.44 feet from the
23 property line.

24 MR. MULKAY: So for -- on -- on T3, where
25 that wall was shown that was on the property

1 line, the new proposed structure is going to be
2 18 feet four inches set back from there.

3 MR. KHAN: That's --

4 MR. MULKAY: Correct?

5 MR. KHAN: -- correct. That's correct.

6 MR. MULKAY: Okay. All right.

7 CHAIRMAN BONACCI: Just, counselor, for the
8 sake of argument, with this many number of
9 families -- you know, you got 18 units, 54
10 bedrooms. So, you're talking about a greatly
11 increased population of people --

12 MR. MULKAY: Just --

13 CHAIRMAN BONACCI: -- that would have to
14 exit the building. And for argument's sake, it's
15 not a public sidewalk, so if there was some sort
16 of emergency, if anybody needed to go down the
17 sidewalk, in this area, technically, they'd be
18 having to walk on somebody else's property to
19 walk through the sidewalk.

20 MR. MULKAY: I think your -- your -- the
21 Board Attorney could answer that, but that's not
22 accurate.

23 MR. PANEQUE: My understanding of the
24 application is that the sidewalk that's being
25 created is only going to be in front of the five

1 | lots.

2 | MR. MULKAY: Correct.

3 | MR. PANEQUE: Into your property.

4 | MR. MULKAY: Correct.

5 | MR. PANEQUE: So, that sidewalk, for all
6 | intents and purposes, will only be utilized in
7 | front of your property. People exiting the
8 | buildings that are going to be built there will
9 | eventually have to leave that sidewalk and walk
10 | on the street, either to exit onto Bergenline or
11 | onto New York Avenue.

12 | Correct?

13 | MR. MULKAY: That would be correct. Yes.

14 | MR. PANEQUE: Okay. So, there's going --

15 | MR. MULKAY: No --

16 | MR. PANEQUE: -- to be a portion that
17 | they're traversing on Tournade, that will not
18 | have a sidewalk for them to walk on. Only the
19 | portion that will be in front of the building
20 | will have a sidewalk.

21 | CHAIRMAN BONACCI: So, it's not a through
22 | sidewalk. It's not throughout Tournade, it's
23 | just on that particular --

24 | MR. ARENCIBIA: Correct.

25 | Because --

1 MR. PANEQUE: And --

2 MR. ARENCIBIA: -- otherwise, we'd be
3 encroaching into the street.

4 MR. PANEQUE: Yeah.

5 MR. ARENCIBIA: And we'd do not have the
6 capacity to go into other people's properties and
7 take --

8 CHAIRMAN BONACCI: Yeah. I understand.

9 MR. ARENCIBIA: -- out, out of their --

10 CHAIRMAN BONACCI: All right. It's
11 understandable.

12 MR. PANEQUE: And I think that's where the
13 -- the Board's confusion comes in, that --

14 CHAIRMAN BONACCI: Yeah.

15 MR. PANEQUE: -- you're thinking of a
16 sidewalk for the entire --

17 CHAIRMAN BONACCI: Um hum.

18 MR. PANEQUE: -- length of Tournade.

19 CHAIRMAN BONACCI: Right.

20 MR. PANEQUE: And it's basically only in
21 front of their property.

22 MR. ARENCIBIA: And again, the other
23 properties, those structures on Tournade right
24 now --

25 MR. PANEQUE: Are under ---

1 MR. ARENCIBIA: -- are right on the
2 property line. They're fairly old structures.

3 CHAIRMAN BONACCI: Um hum.

4 MR. ARENCIBIA: And I would probably
5 venture to say that once -- if this Board
6 approves this development, I would say those
7 other properties along there would be developed
8 and at that point, you can actually extend the
9 sidewalk, and actually make it a much more -- you
10 know, habitable street walkable street.

11 MR. PANEQUE: Are those commercial or
12 residential?

13 MR. ARENCIBIA: There's residential and
14 there's commercial, as well too, both.

15 MR. PANEQUE: Okay.

16 MR. ARENCIBIA: But they're really older
17 structures. If we look -- we have the pictures
18 here, we could show you. They're old structures.
19 I'm sure -- like again, sometimes you need a
20 development like -- like this, to be able to
21 create impetus to like more development and that
22 will make it much -- much better.

23 And in that respect, by us creating the
24 beginning of the sidewalk, I think that will help
25 with anything else that's going to be going down

1 | that street.

2 | CHAIRMAN BONACCI: Counsel, you mind if I
3 | ask your traffic expert a question or two?

4 | MR. MULKAY: No. Of course, you could ask
5 | --

6 | CHAIRMAN BONACCI: Okay.

7 | MR. MULKAY: -- whatever questions.

8 | Just for -- just to clarify the Chairman's
9 | questions before, while there's 54 --

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

12 | MR. MULKAY: -- bedrooms --

13 | CHAIRMAN BONACCI: Um hum.

14 | MR. MULKAY: -- keep in mind that nine of
15 | those bedrooms are actually on New York Avenue
16 | and have no impact on this street.

17 | CHAIRMAN BONACCI: That's fair enough.

18 | MR. MULKAY: So, it's -- it's significantly
19 | less. And -- and also, as our traffic expert --

20 | Well, you finish and I'll --

21 | CHAIRMAN BONACCI: Mr. Chase.

22 | Right?

23 | MR. CHASE: Yes, sir.

24 | CHAIRMAN BONACCI: Okay.

25 | So, the most narrow point, we established,

1 on Tournade, is 15 feet.

2 Right?

3 MR. CHASE: Correct.

4 CHAIRMAN BONACCI: Okay.

5 Just for the -- because we see it and we
6 see it as like a super-skinny block.

7 MR. CHASE: Correct.

8 CHAIRMAN BONACCI: You've dealt with many
9 streets that are very narrow. So, my question
10 would be, have you conducted traffic research on
11 a street, not necessarily in Union City, but in
12 all your experience, that's more narrow than 15
13 feet?

14 MR. CHASE: Yeah. Just to give you an
15 idea. NJDOT will let you go down to a ten foot
16 lane width --

17 CHAIRMAN BONACCI: Okay.

18 MR. CHASE: -- for a through lane. So --

19 CHAIRMAN BONACCI: But just for the sake of
20 clarification --

21 MR. CHASE: Um hum.

22 CHAIRMAN BONACCI: -- have you -- could you
23 testify if you personally have ever conducted
24 research on a block that's more narrow than 15?

25 MR. CHASE: Fifteen feet? Yeah. All the

1 time.

2 CHAIRMAN BONACCI: Well, okay.

3 MR. CHASE: You know, we'll see stuff go
4 down to -- especially in an urbanized setting,
5 with on-street parking, ten feet's very common,
6 11 feet. So, 15 feet is actually -- I know the
7 perception is, because of the buildings --

8 CHAIRMAN BONACCI: Yeah.

9 MR. CHASE: -- that it's extremely narrow,
10 but the reality is, the actual cartway width is
11 wider than a typical street in the area.

12 CHAIRMAN BONACCI: Okay.

13 And just so that we have it on record, you
14 would be able to give testimony that if there was
15 an emergency, fire, et cetera, no problem for a
16 fire truck to go enter that street and be able to
17 --

18 MR. CHASE: Traverse it from New York to
19 Bergenline.

20 CHAIRMAN BONACCI: -- conduct whatever sort
21 of thing that they need to do to get people out
22 safe, et cetera.

23 MR. CHASE: That's correct. Yes.

24 CHAIRMAN BONACCI: Okay.

25 Thank you.

1 That's it.

2 MR. PANEQUE: Can I have one second with
3 Mr. Mulkay? If we could go off the record.
4 Okay?

5
6 (Whereupon, the Board recessed from 7:38
7 p.m. to 7:47 p.m.)

8
9 THE SECRETARY: Can I have your attention,
10 please?

11 Back on record.

12 Mr. Mulkay?

13 MR. MULKAY: Yes. Mr. Chairman, maybe to
14 address the concerns of the Board, my client's
15 willing to make an application to the Board of
16 Commissioners, at either property, at the end of
17 either property, creating some sort of --

18 MR. CHASE: Pedestrian path.

19 MR. MULKAY: -- pedestrian path on that
20 street. My client would be willing to make that
21 application and if approved, he would bear the
22 expense to create the pedestrian path.

23 Is it your opinion that if we create a
24 pedestrian path there, would this street still be
25 wide enough for traffic to flow?

1 MR. CHASE: Yeah. It's my understanding
2 that the intent would be to create a path about
3 three feet in width. So at a minimum, you'd
4 still have 12 feet in width. And you know, as
5 you go closer towards New York Avenue, it'd get
6 even wider. So, 12 feet's more than sufficient
7 to accommodate one-way travel and still provide
8 that three foot width as a designated pedestrian
9 area.

10 MR. MULKAY: Okay.

11 CHAIRMAN BONACCI: Would you guys -- they'd
12 need to revise the plans?

13 MR. PANEQUE: Well --

14 MR. MULKAY: No.

15 MR. PANEQUE: -- the pedestrian path, which
16 is being talked about now, would be something
17 that would be conditional only if the Board of
18 Commissioners approved it.

19 Now, the -- the suggestion is to create a
20 pedestrian path so that when the residents of the
21 five units in these five lots that are being
22 subdivided and created now, exit, although they
23 have a sidewalk in front of their five units, at
24 some point, they have to leave that sidewalk to
25 enter the rest of Union City, either by heading

1 west onto Bergenline Avenue, or east onto New
2 York Avenue.

3 It's at those two points where they leave
4 their property that they're now walking on
5 Tournade, which is just street and there's no
6 pedestrian marked area.

7 The suggestion, Mr. Mulkay, is to create a
8 three foot or --

9 Strike that.

10 -- to request from the Board of
11 Commissioners a three foot buffer zone, which
12 will either be marked on the surface of the road,
13 or with some removable or kind of flexible pipes.

14 MR. MULKAY: Divider.

15 MR. PANEQUE: What are they called?

16 MR. MULKAY: Barrier.

17 MR. PANEQUE: Mr. Chase, you know what they
18 are.

19 MR. CHASE: Bollards. Yeah.

20 MR. PANEQUE: Bollards?

21 MR. CHASE: Yeah.

22 MR. PANEQUE: Okay. We -- we see them now
23 along Kennedy Boulevard, where they've actually
24 placed them on 22nd Street, so you can't make the
25 turn into the --

1 MS. GUTIERREZ: Um hum.

2 MR. PANEQUE: I mean, if you were insistent
3 enough, you could go -- drive over them and some
4 people do. But the idea here is to have that
5 buffer zone so that people walking out of these
6 homes would first of all stick to that area and
7 not be walking in the middle of the street.

8 Okay.

9 And then, also, stay out of the way of
10 traffic, because there's going to be traffic
11 going up both from these residences that are
12 being now built, as well as people that decide to
13 go through there just to cut from --

14 MR. MULKAY: Right.

15 MR. PANEQUE: -- New York Avenue onto
16 Bergenline.

17 So, the testimony, Mr. Chase, is that if
18 you created a three foot zone, at the narrowest
19 point, which is 15 feet, you still have 12 feet
20 left over.

21 Is 12 feet enough for, say, a fire truck to
22 go through?

23 MR. CHASE: It is, yes.

24 MR. PANEQUE: And those bollards are
25 flexible enough that, worst case scenario, a fire

1 truck could just run over them and -- and just
2 plow through them.

3 MR. CHASE: That's correct.

4 MR. PANEQUE: Correct?

5 MR. CHASE: Yes.

6 MR. PANEQUE: All right.

7 One of the things that comes into mind is
8 that if we create this area, both going west and
9 east, one of the things that would have to be
10 brought to the attention of the Board of
11 Commissioners, Mr. Mulkay, is who would be
12 responsible for maintaining that area, free of
13 clean -- of ice and snow, because the city would
14 plow the street, but this section will be --

15 MR. MULKAY: With the bollards, to have
16 the bollards --

17 MR. PANEQUE: The bollards would be
18 impossible to --

19 MR. MULKAY: Right.

20 MR. PANEQUE: -- to basically plow.

21 MR. MULKAY: Okay.

22 MR. PANEQUE: So that would be something
23 that would have to be addressed in -- in the
24 application that the property owners of this --
25 of these homes would have to be responsible for

1 maintaining that access path, both west and east
2 of the property.

3 MR. MULKAY: Okay. All right.

4 But just so that we're clear, and that
5 we're both talking about the same thing, the --
6 the condition is that we make the application.

7 MR. PANEQUE: Correct.

8 MR. MULKAY: If the Board of Commissioners
9 approves it, then we do it. But if the Board of
10 Commissioners denies it, we'd still go forward
11 with the project, we don't have to come back.

12 MR. PANEQUE: That's understood.

13 MR. MULKAY: Correct?

14 MR. PANEQUE: Yes.

15 MR. MULKAY: That's understood. Okay.

16 MR. PANEQUE: And if this Board deems fit
17 to approve it, it would be with that condition,
18 that you go before the Board of Commissioners.

19 MR. MULKAY: Understood.

20 MR. PANEQUE: Okay.

21 CHAIRMAN BONACCI: I just realized that we
22 never opened it up to members of the public.

23 MS. DILLON: Please raise your right hand.

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

1 MR. PRICE: I do.

2 MS. DILLON: Your name and address for the
3 record, please.

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

6 I don't know if I'd be too concerned about
7 pedestrian traffic. It happens, I walked down
8 Tournade today because my barber's on Bergenline
9 and I had to walk back home.

10 There's no traffic on Tournade. Eight --
11 eight exits -- that's going to double or triple
12 the traffic on that. It's a very safe -- this --
13 I hate -- I hasten to add, this is during the
14 day, when it's sunny and whatever. I wouldn't
15 try it at night, maybe.

16 But it's -- you know, and I walk in the --
17 I walk in the middle of the street, Mr. Paneque.

18 MR. PANEQUE: You shouldn't, though. There
19 you go.

20 MR. PRICE: Maybe. And it's -- I don't
21 think -- I think you may be over-emphasizing the
22 -- the risk from pedestrian traffic on Tournade.

23 CHAIRMAN BONACCI: Mr. Price, you've walked
24 through Tournade at night.

25 Yes?

1 MR. PRICE: I have.

2 CHAIRMAN BONACCI: Is lighting an issue,
3 because you mentioned night and day.

4 Is it dark?

5 MR. PRICE: No, because -- I don't even
6 remember.

7 CHAIRMAN BONACCI: All right. But --

8 MR. PRICE: At least at night, I could see
9 the cars coming.

10 There are no cars on this side.

11 MR. MULKAY: We're putting plenty of light
12 in the front of our property which is --

13 MS. DILLON: Just come forward --

14 CHAIRMAN BONACCI: Yeah. Something we
15 didn't talk about before.

16 MS. DILLON: -- Mr. Mulkay.

17 Mr. Mulkay, please come forward.

18 CHAIRMAN BONACCI: Just walk up a couple.

19 MR. MULKAY: I'm sorry.

20 CHAIRMAN BONACCI: There you go.

21 MR. MULKAY: We're -- Mr. Arencibia
22 testified, and the plans show lighting in front
23 of each of the properties. So, there's going to
24 be significant improvement, from a lighting
25 condition, on the property. There's street

1 | lights that are being --

2 | CHAIRMAN BONACCI: Now --

3 | MR. MULKAY: -- placed in front --

4 | CHAIRMAN BONACCI: Just --

5 | MR. MULKAY: -- of each house.

6 | CHAIRMAN BONACCI: Just for the sake of
7 | argument, Mr. Price said that there's really
8 | nobody there, but he's talking about the way it
9 | is currently now. You guys are going to add 18
10 | units and 54 bedrooms. There's going to be
11 | people there now.

12 | MR. MULKAY: Just --

13 | MR. PANEQUE: Fifteen units.

14 | MR. MULKAY: Yeah. It's 15 units on
15 | Tournade.

16 | CHAIRMAN BONACCI: Okay.

17 | MR. MULKAY: It's not -- it's not 18, it's
18 | 15, because the other one's on New York Avenue.

19 | CHAIRMAN BONACCI: Gotcha.

20 | Well, there's going to be people there now.
21 | It's not going to be a no man's land anymore.
22 | That's going to significantly change.

23 | MR. PRICE: Yeah.

24 | CHAIRMAN BONACCI: Mr. Price?

25 | I'm sorry. I didn't mean to interrupt you.

1 MR. PRICE: No, no, no. You were going to
2 --

3 CHAIRMAN BONACCI: Okay.

4 MR. PRICE: The other -- the other comment
5 I was going to, I hear about all these commercial
6 uses on Tournade, there really are none. There's
7 a -- what was an old paper company at the corner
8 of Tournade and New York Avenue, a five story
9 building, but they put windows in and I think
10 they were going to do a -- a redevelopment there
11 and somehow, it kind of died. But at least they
12 put the windows in. There's no activity in that
13 building.

14 There's resident -- this one is shut down.
15 Most of the other exits are really the rear
16 garage areas for the people on 12th Street. And
17 there's one house down, close to Bergenline
18 Avenue and, of course, the side of the apartment
19 building that fronts on Bergenline Avenue.
20 There's no commercial. In fact, there really --
21 there's nothing on Tournade. That's why it's --
22 whatever.

23 It is not a narrow street. It's a
24 perception of narrowness because they built to
25 the property line and it goes up. But at the New

1 York end, they said 19 feet. I think at the New
2 York end of that thing, it's more than 20 feet
3 wide. It's -- it's a pretty wide street and I
4 had not -- and I didn't have to share it with
5 anybody today, walking down the middle of the
6 street, so I would -- I wouldn't be too
7 concerned.

8 CHAIRMAN BONACCI: Thank you.

9 MR. PRICE: Thank you.

10 CHAIRMAN BONACCI: Other members of the
11 public?

12 All right.

13 Closed to members of the public.

14 Mr. Mulkay, just a quick question.

15 So, in the R zone, between New York and
16 Bergenline, so you're in two zones. You're in
17 the neighborhood commercial.

18 MR. MULKAY: Correct. Our planner is here.

19 MR. PESSOLANO: Yeah.

20 MR. MULKAY: Yes, we are.

21 CHAIRMAN BONACCI: Okay.

22 MR. MULKAY: We're in two zones.

23 CHAIRMAN BONACCI: So, how much of your
24 application is in the R zone?

25 MR. MULKAY: The five units are all in the

1 R zone.

2 CHAIRMAN BONACCI: Okay. Five units out of
3 the six.

4 MR. MULKAY: Out of the six. Correct.

5 Only the one on New York Avenue is in the
6 CN zone, in the commercial neighborhood zone.

7 CHAIRMAN BONACCI: Mr. Pessolano, since
8 you're here, what counselor said, five out of the
9 six units are in the R zone?

10 MR. PESSOLANO: Yeah. So, just going to
11 verify that it follows the lot line --

12 CHAIRMAN BONACCI: No, that's okay.

13 MR. PESSOLANO: -- of the zoning.

14 CHAIRMAN BONACCI: I just wanted that
15 answer. So, out of the six units, five of them
16 are in the R zone.

17 MR. PESSOLANO: That's correct.

18 CHAIRMAN BONACCI: Okay. Just let me just
19 ask Mr. Spatz.

20 Mr. Spatz?

21 MR. SPATZ: Yes, sir.

22 CHAIRMAN BONACCI: R zone is low density
23 residential.

24 MR. SPATZ: Correct. It allows one, two
25 and three family.

1 CHAIRMAN BONACCI: Okay.

2 MR. SPATZ: Yes.

3 CHAIRMAN BONACCI: So, the five units,
4 three bedrooms each, okay. So, give me total
5 units of the five then, not total six.

6 MR. MULKAY: I'm sorry. Total units of
7 five, 15.

8 CHAIRMAN BONACCI: Okay.

9 MR. MULKAY: Fifteen units.

10 MR. SPATZ: Right.

11 CHAIRMAN BONACCI: The 15 units, that's
12 however many bedrooms.

13 MR. SPATZ: Right.

14 CHAIRMAN BONACCI: That's low density
15 residential?

16 MR. SPATZ: It -- it would be considered
17 because it's -- the zoning is based on the number
18 of units, not on the number of bedrooms and --

19 CHAIRMAN BONACCI: Okay.

20 MR. SPATZ: -- there's no limitation on
21 that. So each lot would be a conforming lot.

22 CHAIRMAN BONACCI: That was my question.

23 MR. SPATZ: With a conforming use.

24 CHAIRMAN BONACCI: All right.

25 Mr. Mulkay, my whole thing, the sidewalk,

1 we clarified the safety issues. So, that's --
2 that's progress.

3 The other thing is the overall dense --
4 density, what you guys are going to put in there.
5 It's going from nothing, as Mr. Price testified,
6 to all these units that you're putting in there
7 now.

8 MR. MULKAY: It conform --

9 CHAIRMAN BONACCI: Is there any middle
10 ground?

11 MR. MULKAY: It conforms with your density
12 requirements. The cost is significant. The cost
13 of the property was significant. And it conforms
14 with your density. There's no density variance
15 requested here. It's a permitted -- it's a
16 permitted use.

17 CHAIRMAN BONACCI: But you guys need a --

18 MR. MULKAY: And, in fact, the lots -- the
19 lots are bigger than what's required. Your
20 Ordinance only requires 25 by a hundred. We're
21 providing -- all the lots are bigger than what's
22 required.

23 CHAIRMAN BONACCI: Well, consider --

24 MR. MULKAY: So, we're -- we're actually
25 making it smaller --

1 CHAIRMAN BONACCI: I didn't bring this --

2 MR. MULKAY: -- from a density point of
3 view.

4 CHAIRMAN BONACCI: I understand.

5 I didn't bring this up before but you guys
6 need significant amount of parking spaces, which
7 you're not providing. And that's another avenue
8 that we haven't even --

9 MR. MULKAY: No, no.

10 CHAIRMAN BONACCI: -- explored yet.

11 MR. MULKAY: No, no. We don't -- we don't
12 need a variance -- parking variance, no. We have
13 --

14 CHAIRMAN BONACCI: Does meet all the --

15 MR. MULKAY: Yes.

16 CHAIRMAN BONACCI: -- RSIS standards?

17 MR. ARENCIBIA: No.

18 MR. MULKAY: Yes.

19 MR. ARENCIBIA: RSIS? No. We comply with
20 Union City's requirements. We do not meet -- we
21 do not meet RSIS. RSIS is like 7.5, but we do
22 meet Union City's standard with the six, so we
23 have six parking for each.

24 CHAIRMAN BONACCI: You guys have six
25 buildings.

1 Yes?

2 MR. ARENCIBIA: Yes.

3 CHAIRMAN BONACCI: Okay.

4 And you need seven for each building.

5 Yes?

6 MR. ARENCIBIA: No. Six -- according to
7 Union City's parking requirement, it's six.

8 CHAIRMAN BONACCI: I'm going over Mr.
9 Spatz's memo.

10 MR. MULKAY: Right.

11 MR. SPATZ: Right. Yeah, the Residential
12 Site Improvement Standards, it's slightly more
13 than seven, rounded to -- or slightly --

14 CHAIRMAN BONACCI: So that's -- that --

15 MR. SPATZ: -- less than seven.

16 CHAIRMAN BONACCI: -- that's 40 --

17 MR. SPATZ: So, it's seven units and each
18 building has six parking spaces. So, they --
19 according to the RSIS, they're one short in each
20 building.

21 According to Union City's standards, they
22 do meet that, which only would require six spaces
23 per building.

24 CHAIRMAN BONACCI: You know, one short in
25 each building doesn't sound like a lot, but when

1 | it's six of them, I mean, I -- I wasn't even
2 | considering this before.

3 | MR. MULKAY: Right.

4 | CHAIRMAN BONACCI: But you know --

5 | MR. MULKAY: I mean, this Board --

6 | CHAIRMAN BONACCI: -- it's a lot of units
7 | and it's --

8 | MR. MULKAY: In --

9 | CHAIRMAN BONACCI: -- a lot of bedrooms and
10 | it's --

11 | MR. MULKAY: In Union City, there's --
12 | there's -- the standard has always been five or
13 | six parking spaces for a three family --

14 | CHAIRMAN BONACCI: Yeah.

15 | MR. MULKAY: -- which is --

16 | CHAIRMAN BONACCI: Mr. Mulkey --

17 | MR. MULKAY: -- which is the norm.

18 | CHAIRMAN BONACCI: -- I'm -- I'm just a
19 | little concerned --

20 | MR. MULKAY: Right.

21 | CHAIRMAN BONACCI: -- with how many people
22 | that we're going to put in that area, to an area
23 | where there's nobody right now.

24 | MR. MULKAY: But that's a good thing.

25 | CHAIRMAN BONACCI: It is. It's a great --

1 MR. MULKAY: That's a good thing for the
2 City.

3 CHAIRMAN BONACCI: It is.

4 MR. MULKAY: That's a great thing for the
5 city.

6 CHAIRMAN BONACCI: But it might be a little
7 too much too fast, considering we have issues
8 that we're already considering with sidewalks and
9 how people are going to get out of there and how
10 narrow the block is.

11 MR. MULKAY: But everything that we're
12 doing is improving what the current condition is.
13 As the -- as the traffic expert testified,
14 traffic was significantly worse when there was a
15 warehouse there. This is actually improving the
16 traffic, the volume, the number of people coming
17 in and out of the property, and out of the
18 street, making it significantly better.

19 CHAIRMAN BONACCI: What I'm -- what I'm
20 asking is if you guys can reduce the overall
21 bedroom count.

22 MR. MULKAY: Let me have a conversation
23 with him.

24 MS. DILLON: Off the record?

25 MR. MULKAY: Off the record, please.

1

2 (Whereupon, the Board recessed from 8:01
3 p.m. to 8:05 p.m.)

4

5 MS. DILLON: On the record.

6 MR. PANEQUE: On the record.

7 MR. MULKAY: Mr. Arencibia, can you explain
8 to the Board, based on the Board's comment, how
9 we propose to change the -- the project?

10 MR. ARENCIBIA: Okay. Okay. Since seems
11 the issue is the one on Tournade, we propose to
12 reduce one of the units, each -- each -- one --
13 to reduce the bedroom count by one bedroom in
14 each one of the units on Tournade.

15 MR. MULKAY: Just --

16 MR. ARENCIBIA: So, we'd lose five bedrooms
17 on Tournade.

18 CHAIRMAN BONACCI: Okay.

19 MR. MULKAY: So -- so, essentially, the
20 rear unit on the second floor -- on the --

21 MR. ARENCIBIA: Will be converted to --

22 MR. MULKAY: -- second and third floor --

23 MR. ARENCIBIA: -- a two bedroom.

24 MR. MULKAY: The rear unit will be
25 converted to a two bedroom from a three bedroom.

1 MR. ARENCIBIA: Correct.

2 MR. MULKAY: So, you would still have, on
3 Tournade, on the ground level, three bedrooms.
4 The -- the duplex in the front of the building
5 would still be three bedrooms.

6 And then, the rear unit would be two
7 bedrooms.

8 MR. ARENCIBIA: That's correct.

9 MR. MULKAY: Correct?

10 MR. ARENCIBIA: Yes.

11 MR. MULKAY: And then, the effect of that
12 would be that the parking would be reduced to 6.4
13 under RSIS. We're still in compliance with the
14 town ordinance.

15 Is that correct?

16 MR. ARENCIBIA: That is correct.

17 MR. MULKAY: Okay.

18 CHAIRMAN BONACCI: Okay.

19 So, you guys can revise the plans? We
20 could go over it.

21 MR. MULKAY: I -- I -- what I would ask the
22 Board, this is our fourth time here. What I
23 would ask that the Board do is the Board take a
24 vote today. I really would ask that the Board
25 take a vote. We've changed these plans three

1 times now. We would revise them, submit them at
2 the next Board meeting. We'd show the change.
3 If the change is acceptable, you sign the
4 Resolution.

5 CHAIRMAN BONACCI: I just -- you guys are
6 going to hate me, but I'm just going to ask for
7 one more thing, and that would be that you get
8 some kind of feedback from the community as to
9 maybe they could provide testimony, because all
10 we had tonight was Mr. Price.

11 MR. MULKAY: No, no. But we've noticed
12 twice. No one has ever appeared on this
13 application. We've noticed every neighborhood.

14 CHAIRMAN BONACCI: Fair point.

15 MR. MULKAY: Every neighbor. No one's ever
16 shown up.

17 CHAIRMAN BONACCI: That's fair.

18 MR. MULKAY: Because the community likes
19 the proposed --

20 CHAIRMAN BONACCI: That's fair.

21 MR. MULKAY: -- project.

22 CHAIRMAN BONACCI: Yeah.

23 MR. MULKAY: I can't force the people to
24 come. I know my client, he can testify, he's
25 asked the people around. Everybody likes the

1 | proposal. They're looking forward to getting rid
2 | of that warehouse.

3 | But I -- he can't get the people to come
4 | here and testify. And -- and this is our third
5 | -- this is our fourth time here, but this is the
6 | third -- we've noticed twice and no one showed up
7 | at either -- at either time.

8 | CHAIRMAN BONACCI: Understandable, but --

9 | MR. MULKAY: Other than Mr. Price. Let me
10 | just correct that. And Mr. Price is part of the
11 | community.

12 | CHAIRMAN BONACCI: In -- in order -- no.
13 | That -- that's fair. But to make a motion to
14 | approve, going to have to look at the plans and
15 | then, what you guys had mentioned before, with
16 | the safety --

17 | MR. MULKAY: It's --

18 | CHAIRMAN BONACCI: -- stuff. You -- where
19 | do you have to go for that again?

20 | MR. MULKAY: No, no, no. But that -- but
21 | that would -- we wouldn't do that --

22 | CHAIRMAN BONACCI: That would be part of
23 | the --

24 | MR. MULKAY: We -- we want to get a --

25 | CHAIRMAN BONACCI: -- Resolution?

1 MR. MULKAY: We want to get a vote today,
2 what we really would like. We've adjourned this
3 three times. This is our fourth time here. We
4 really would like to get a vote. We're willing
5 to accommodate. We're willing to make a change.

6 The Board could vote on it and then --

7 VICE CHAIRMAN GRULLON: Counsel?

8 MR. MULKAY: -- the -- the --

9 VICE CHAIRMAN GRULLON: Can we do a vote
10 and Resolution and --

11 MR. MULKAY: We could -- we could come
12 back. And the Resolution doesn't have to be
13 signed, if you don't like the revision.

14 CHAIRMAN BONACCI: Could you give us a
15 minute off the record?

16 MR. MULKAY: Sure. Of course.

17

18 (Whereupon, the Board recessed from 8:08
19 p.m. to 8:09 p.m.)

20

21 MS. DILLON: On the record.

22 THE SECRETARY: Back on record.

23 CHAIRMAN BONACCI: Mr. Mulkay, for the
24 record, to make a motion to approve, I would
25 really need to see the plans, because I got to

1 put my name on there, man.

2 MR. MULKAY: Yeah, but you -- but you will
3 --

4 CHAIRMAN BONACCI: I got to know what I'm
5 approving here.

6 MR. MULKAY: But -- but just -- just so
7 that we're clear, the Resolution would be
8 drafted, and if you don't like the revision the
9 way it looks, you don't have to sign the
10 Resolution.

11 The -- my -- my client's been waiting for a
12 significant -- there's carrying costs on the
13 property. He's been waiting for a long time.

14 CHAIRMAN BONACCI: Yeah.

15 MR. MULKAY: He's gone through the expense
16 of making the revisions. He wants to know that
17 the vote is moving forward.

18 We were here four months ago and there was
19 a proposal, just give us a small sidewalk. We'll
20 give the small sidewalk, and we've come back
21 three times after that.

22 So, what -- what -- all I'm asking is, if
23 -- if you -- you're putting your name on it, and
24 you're right, but you won't have to sign it on
25 that -- on those plans, you don't have to sign

1 the Resolution if you don't like the revision.

2 But if we come back next month and you like
3 the revision, then we still have to wait another
4 month.

5 So, that's what I'm asking, that the Board
6 take a vote on it, subject to the -- it's done
7 all the time. This Board has done it many, many
8 times. Subject to -- subject to receiving the
9 plans. If you don't like the plans, you don't --
10 you don't have to --

11 CHAIRMAN BONACCI: The only --

12 MR. MULKAY: -- you don't have to sign it.

13 CHAIRMAN BONACCI: The only motion that I'm
14 going to make tonight would be to adjourn it, so
15 that I can review the plans at our next meeting.
16 And that's what I'm going to do right now.

17 MR. ARENCIBIA: Can I --

18 CHAIRMAN BONACCI: Make a motion --

19 MR. ARENCIBIA: Can I suggest --

20 CHAIRMAN BONACCI: -- to adjourn this
21 meeting -- to adjourn this application till the
22 next meeting, so that I can review the revised
23 plans.

24 VICE CHAIRMAN GRULLON: Second.

25 THE SECRETARY: Motion on the --

1 MR. MULKAY: Can --

2 THE SECRETARUY: -- table to --

3 MR. MULKAY: Can --

4 THE SECRETARY: -- adjourn this application

5 --

6 MR. PANEQUE: What was the --

7 MR. MULKAY: Before -- before --

8 MR. PANEQUE: What was --

9 MR. MULKAY: Yeah, I --

10 MR. PANEQUE: Mr. Arencibia?

11 MR. MULKAY: I think what he was going to

12 suggest was maybe --

13 CHAIRMAN BONACCI: There's a motion on the
14 table. There's a motion on the table.

15 THE SECRETARY: Motion on the table to
16 adjourn this application for November 14, 2019 by
17 Mr. Bonacci.

18 Seconded by Mr. Grullon.

19 Roll call on the motion.

20 Mr. Bonacci?

21 CHAIRMAN BONACCI: Yes.

22 THE SECRETARY: Mr. Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Ms. Gutierrez?

25 MS. GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Ms. Pena?

4 MS. PENA: Yes.

5 THE SECRETARY: Ms. Perez?

6 MS. PEREZ: Yes.

7 THE SECRETARY: Mr. Cetinich?

8 MR. CETINICH: Yes.

9 THE SECRETARY: Seven in favor.

10 Motion carries.

11 No new notice required.

12 * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 1015 West Street, LLC, 601 11th
5 Street.

6

7 (Whereupon, David Spatz left the meeting at
8 8:11 p.m.)

9

10 THE SECRETARY: Mr. Paneque, please?

11 MR. PANEQUE: For the record, we were
12 provided today with a letter from the office of
13 Mr. Alvaro Alonso, indicating that he would not
14 be able to be here tonight, due to the fact that
15 he was scheduled to be at a West New York Zoning
16 Board meeting on matters that were older than
17 this application. And those matters needed to go
18 before the Board tonight, so he couldn't be at
19 two places at once.

20 He's asking that the Board, most
21 respectfully, carry this application till the
22 next meeting on November 14.

23 THE SECRETARY: Okay.

24 May I have a motion to adjourn this
25 application?

1 CHAIRMAN BONACCI: Motion.

2 THE SECRETARY: Motion by --

3 MS. GUTIERREZ: Second.

4 THE SECRETARY: -- Mr. Bonacci.

5 Seconded by Ms. Gutierrez.

6 Roll call on -- roll call on the motion.

7 Mr. Bonacci?

8 CHAIRMAN BONACCI: Yes.

9 THE SECRETARY: Mr. Grullon?

10 VICE CHAIRMAN GRULLON: Yes.

11 THE SECRETARY: Ms. Gutierrez?

12 MS. GUTIERREZ: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Ms. Pena?

16 MS. PENA: Yes.

17 THE SECRETARY: Ms. Perez?

18 MS. PEREZ: Yes.

19 THE SECRETARY: Mr. Cetinich?

20 MR. CETINICH: Yes.

21 THE SECRETARY: Seven in favor.

22 Motion carries.

23

24 * * *

25

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

2

3 THE SECRETARY: Next application on
4 tonight's agenda, Roberto Rodriguez, 1711
5 Manhattan Avenue.

6 Mr. Paneque, please?

7 MR. PANEQUE: Yes.

8 Also, this was an application by Mr. Alvaro
9 Alonso. We also received a letter today --

10 MS. GUTIERREZ: Excuse me. Roberto
11 Rodriguez.

12 CHAIRMAN BONACCI: Oh.

13 MR. PANEQUE: No. It's -- the applicant's
14 attorney is Alvaro Alonso.

15 MS. GUTIERREZ: Oh, okay. Okay. Okay.

16 MR. PANEQUE: Yes.

17 MS. GUTIERREZ: The applicant.

18 MR. PANEQUE: Yeah. No. The -- I'll
19 correct myself, Ms. Gutierrez.

20 MS. GUTIERREZ: Um hum. Okay.

21 MR. PANEQUE: This is an application by
22 attorney Alvaro Alonso on behalf of Mr. --

23 MS. GUTIERREZ: Um hum.

24 MR. PANEQUE: -- Roberto Rodriguez. Mr.
25 Alonso's reason for not being here tonight, as I

1 | stated before, is that he has to be before the
2 | West New York Zoning Board on matters that are
3 | older than this. And as such, he's requesting
4 | that the -- this Board respectfully carry the
5 | matter to the November 14th meeting.

6 | THE SECRETARY: Motion --

7 | CHAIRMAN BONACCI: Make a motion.

8 | THE SECRETARY: Can I have a motion?

9 | Motion by Mr. Bonacci.

10 | MS. GUTIERREZ: Second.

11 | THE SECRETARY: Seconded by Ms. Gutierrez.

12 | Roll call on the motion.

13 | Mr. Bonacci?

14 | CHAIRMAN BONACCI: Yes.

15 | THE SECRETARY: Mr. Grullon?

16 | VICE CHAIRMAN GRULLON: Yes.

17 | THE SECRETARY: Ms. Gutierrez?

18 | MS. GUTIERREZ: Yes.

19 | THE SECRETARY: Mr. Medina?

20 | MR. MEDINA: Yes.

21 | THE SECRETARY: Ms. Pena?

22 | MS. PENA: Yes.

23 | THE SECRETARY: Mrs. Perez?

24 | MS. PEREZ: Yes.

25 | THE SECRETARY: Mr. Cetinich?

1 MR. CETINICH: Yes.

2 THE SECRETARY: Seven in favor.

3 Motion carries.

4 * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RESOLUTIONS:**

2

3 (1) Ezy Corp. 714 25th Street, AKA 2500 Adams
4 Place, Block 144.0 Lot 18. Legalize existing
5 dwelling unit in rear building with existing bath
6 and existing kitchen. No work to be done.

7 **Approved**

8 (2) Jianzhong Xu, 2108-2110 New York Avenue,
9 Block 112, Lot 3. Legalization of first floor
10 apartment to convert from a commercial into a
11 residential unit, changing from mixed use
12 building to a two family. **Approved**

13

14 THE SECRETARY: We are going to
15 Resolutions.

16 We have two Resolution on tonight's agenda.

17 Resolution number 1.

18 Ezy Corp., 714 25th Street, 2500 Adams
19 Place.

20 Resolution number 2.

21 Jianzhong Xu, --

22 CHAIRMAN BONACCI: What was that?

23 THE SECRETARY: -- 2108-2110 New York
24 Avenue.

25 Can I have a motion to adopt these

1 Resolutions?

2 CHAIRMAN BONACCI: Motion.

3 MS. GUTIERREZ: Second.

4 THE SECRETARY: Motion by Mr. Bonacci.

5 CHAIRMAN BONACCI: What was that?

6 THE SECRETARY: Seconded by Ms. Gutierrez.

7 Roll call on the motion.

8 Mr. Bonacci?

9 CHAIRMAN BONACCI: Yes.

10 THE SECRETARY: I'm sorry, Mr. Bonacci.

11 Didn't hear.

12 CHAIRMAN BONACCI: Yes. Yes.

13 THE SECRETARY: Thank you, sir.

14 Mr. Grullon?

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Ms. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Ms. Pena?

19 MS. PENA: Yes.

20 THE SECRETARY: Ms. Perez?

21 MS. PEREZ: Yes.

22 THE SECRETARY: Mr. Cetinich?

23 MR. CETINICH: Yes.

24 THE SECRETARY: Mrs. Watley?

25 MS. WATLEY: Yes.

1	THE SECRETARY: Seven in favor.
2	Motion carries.
3	* * *
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

1 **ADJOURNMENT:**

2

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

6 Motion by Mr. Bonacci.

7 MS. GUTIERREZ: Second.

8 THE SECRETARY: Seconded by Mr. Medina.
9 I'm sorry.

10 All in favor?

11

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

13

14 THE SECRETARY: The ayes have it.

15 Thank you.

16 Motion carries.

17 Let the record show that the meeting has
18 ended.

19 Good night, everyone.

20 All right.

21

22 (Whereupon, the proceedings were concluded
23 at 8:15 p.m.)

24

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, October 10, 2019
10 and digitally recorded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Monitored and proofread by: Deborah Dillon