

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, November 14, 2019
Commencing at 6:01 p.m.

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

MARGARITA GUTIERREZ
JOHN MEDINA
MIGUEL ORTIZ, (Arrived at 6:20 p.m.)
DAVID W. PRESSEY
ROSIO PENA, Alternate No. 1, (Arrived at 6:22 p.m.)
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
VICTOR M. GRULLON, Vice Chairman
JOSEPH D. BONACCI, Chairman

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

LIBERO MAROTTA
MINDRY WATLEY, Alternate No. 4

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

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

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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Jose and Maribel Jorge

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Shannon Guy Errico

CHRISTIAN R. DIAZ, ESQ.,
Attorney for Applicant, Angel Denis

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

3 Please take notice that on Thursday,
4 November 14, 2019, at six p.m., a Regular Meeting
5 is scheduled for the City of Union City Zoning
6 Board of Adjustment, to be held in the Municipal
7 Chamber, located on the Second Floor, 3715
8 Palisade Avenue, Union City, New Jersey.

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

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

18 Can everybody kindly rise to salute the
19 flag, please?

20

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

23

24 THE SECRETARY: Thank you.

25

1 **ROLL CALL:**

2

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

5 Joseph Bonacci?

6 CHAIRMAN BONACCI: Here.

7 THE SECRETARY: Victor Grullon?

8 VICE CHAIRMAN GRULLON: Here.

9 THE SECRETARY: Libero Marotta is absent.

10 Margarita --

11 Margarita Gutierrez?

12 MS. GUTIERREZ: Here.

13 THE SECRETARY: Miguel Ortiz is absent.

14 David Pressey?

15 MR. PRESSEY: Here.

16 THE SECRETARY: John Medina?

17 MR. MEDINA: Here.

18 THE SECRETARY: Rosa Pena is absent.

19 Geraldine Perez?

20 MS. PEREZ: Here.

21 THE SECRETARY: Raymond Cetinich?

22 MR. CETINICH: Here.

23 THE SECRETARY: Mindry Watley is absent.

24 Let the record indicate there are seven
25 present.

1 So, we have a full quorum for tonight's
2 meeting.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on October 10, 2019

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5 THE SECRETARY: Approval of previous
6 meeting minutes from October 10, 2019.

7 Can I have a motion?

8 VICE CHAIRMAN GRULLON: Motion.

9 THE SECRETARY: Motion by Mr. Grullon.

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. Pressey?

20 MR. PRESSEY: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: 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.

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

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4 THE SECRETARY: Hearings and applications.
5 Number 1.

6 The Residence of -- at New York Avenue,
7 LLC, 1211 New York Avenue.

8 Mr. Paneque, please?

9 There's a letter in your folder from Mr.
10 Mulkey.

11 MR. PANEQUE: For the record, I've been
12 provided with a letter from the office of Mulkey
13 and Rendo, with a date of November 12, with
14 respect to the application for The Residence at
15 New York Avenue, property address 1211 New York
16 Avenue, Union City, New Jersey.

17 It states:

18 "Dear Mr. Vallejo:

19 "This will confirm that the above meeting
20 scheduled in the above application for Thursday,
21 November 14, has now been rescheduled for
22 Thursday, December 12, 2019 at six p.m.

23 "If you have any questions, please do not
24 hesitate to contact our office."

25 Is there a reason stated for the

1 adjournment request?

2 THE SECRETARY: They was supposed to submit
3 revised plans and they never sent it.

4 MR. PANEQUE: Okay.

5 Mr. Chairman, it appears that the applicant
6 did not get in the revised plans within the ten
7 day period, required by statute. They're
8 requesting that the matter be carried now to the
9 December 12 meeting.

10 Is there an application on the floor?

11 CHAIRMAN BONACCI: I don't mind giving them
12 till next month to bring the revised plans. He's
13 been here a couple months with the same
14 application, so it will be nice to just get the
15 plans in.

16 MS. GUTIERREZ: Um hum.

17 VICE CHAIRMAN GRULLON: I agree, assuming
18 we get the revised plans.

19 MS. GUTIERREZ: Um hum.

20 CHAIRMAN BONACCI: I make a motion to
21 adjourn it till next meeting, December.

22 THE SECRETARY: Motion on the table to
23 adjourn this application for December 12, 2019 by
24 Mr. Bonacci.

25 Any second the motion?

1 MS. GUTIERREZ: Second.

2 THE SECRETARY: Second by Ms. Gutierrez.

3 Roll call on the motion to adjourn this
4 application to December 12, 2019.

5 Mr. Bonacci?

6 CHAIRMAN BONACCI: Yes.

7 THE SECRETARY: Mr. Grullon?

8 VICE CHAIRMAN GRULLON: Yes.

9 THE SECRETARY: Ms. Gutierrez?

10 MS. GUTIERREZ: Yes.

11 THE SECRETARY: Mr. Pressey?

12 MR. PRESSEY: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Ms. Perez?

16 MS. PEREZ: Yes.

17 THE SECRETARY: Mr. Cetinich?

18 MR. CETINICH: Yes.

19 THE SECRETARY: Seven in favor.

20 Motion carries.

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

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3 THE SECRETARY: We are going to item number
4 2.

5 1015 West Street, LLC, 601 11 Street.

6 Mr. Paneque, please?

7 MR. PANEQUE: This is an application by Mr.
8 Alonso, who is here.

9 Mr. Alonso?

10 MR. ALONSO: Yes.

11 MR. PANEQUE: You have requested that this
12 matter be carried.

13 MR. ALONSO: Correct. That one is --

14 MR. PANEQUE: This is 1015 West Street.

15 THE SECRETARY: 601 11.

16 MR. ALONSO: That's correct.

17 Two reasons.

18 Number one, the Board had indicated, at the
19 last hearing, that they wanted to do a site
20 visit.

21 So, I don't know -- I never heard whether
22 or not a site visit was actually conducted.

23 CHAIRMAN BONACCI: Do you have a card or
24 something, so that we can contact you, if that
25 ever happens again, to let you know.

1 MR. ALONSO: Actually -- actually, I don't
2 have one on me.

3 CHAIRMAN BONACCI: That's all right.
4 Later, after.

5 MR. ALONSO: Yeah.

6 CHAIRMAN BONACCI: I went past the
7 property. I didn't get to do as much as I would
8 like to have done, investigating.

9 I don't know if, Victor, if you got a
10 chance to go, too? We were going to go together.
11 I passed it. You know, just driving around the
12 area.

13 And that's -- that's the reason we're
14 adjourning it, or is there --

15 MR. ALONSO: Well, that was one.

16 The second reason is based on that
17 inspection, we were determining as to whether or
18 not the revisions that were being discussed were
19 actually going to be incorporated into revised
20 plans or not.

21 CHAIRMAN BONACCI: Yeah.

22 You know, Mr. Grullon and I, we're going to
23 have to get -- you know, a little bit more
24 acquainted with the -- and then, maybe we can get
25 you --

1 MR. ALONSO: And you can reach out --

2 CHAIRMAN BONACCI: Yeah.

3 MR. ALONSO: -- either to Mr. Paneque and I
4 can make --

5 CHAIRMAN BONACCI: Is that okay?

6 MR. ALONSO: -- the property accessible --

7 CHAIRMAN BONACCI: All right.

8 MR. ALONSO: -- if you want to get inside.

9 CHAIRMAN BONACCI: That -- is that okay
10 with you?

11 MR. PANEQUE: That's fine. If you reach
12 out to me, I have Mr. Alonso's --

13 CHAIRMAN BONACCI: All right.

14 MR. PANEQUE: -- number and I can reach out
15 to him.

16 MR. ALONSO: Yeah.

17 MR. PANEQUE: And we'll get it --

18 CHAIRMAN BONACCI: Sorry about dropping the
19 ball a little bit.

20 MR. ALONSO: That's all right.

21 CHAIRMAN BONACCI: And we'll communicate.
22 Yeah.

23 MR. PANEQUE: Mr. Alonso, if you want to
24 just give him your office number?

25 MR. ALONSO: Sure.

1 MR. PANEQUE: And then, they can contact
2 your office. It's probably easier, since you
3 have someone on staff there during working hours
4 --

5 MR. ALONSO: Almost 24 hours a day, if you
6 ask her. She works hard.

7 MR. PANEQUE: Let's hear --

8 MR. ALONSO: It's 201-295-9977.

9 CHAIRMAN BONACCI: Okay.

10 MR. ALONSO: We have caller ID, so if Mr.
11 Price wants to make crank calls.

12 CHAIRMAN BONACCI: Okay.

13 We'll touch base and see if we can get this
14 wrapped up for December.

15 MR. ALONSO: Thank you.

16 CHAIRMAN BONACCI: All right.

17 MR. PANEQUE: Is there an application on
18 the floor?

19 CHAIRMAN BONACCI: It's a motion.

20 MR. PANEQUE: Motion.

21 CHAIRMAN BONACCI: Make a motion to carry
22 this over until December's meeting.

23 THE SECRETARY: December 12, 2019.

24 Motion by Mr. Bonacci.

25 VICE CHAIRMAN GRULLON: Second.

1 THE SECRETARY: Second by Mr. Grullon.

2 Roll call on the motion to adjourn this
3 application for December 12, 2019.

4 Mr. Bonacci?

5 CHAIRMAN BONACCI: Yes.

6 THE SECRETARY: Mr. Grullon?

7 VICE CHAIRMAN GRULLON: Yes.

8 THE SECRETARY: Ms. Gutierrez?

9 MS. GUTIERREZ: Yes.

10 THE SECRETARY: Mr. Pressey?

11 MR. PRESSEY: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Ms. Perez?

15 MS. PEREIRAS: Yes.

16 THE SECRETARY: Mr. Cetinich?

17 MR. CETINICH: Yes.

18 THE SECRETARY: Seven in favor.

19 Motion carries.

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

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3 THE SECRETARY: Item number 3 of the
4 agenda.

5 Roberto Rodriguez.

6 1711 Manhattan Avenue.

7 VICE CHAIRMAN GRULLON: Bless you.

8 MS. GUTIERREZ: Bless you.

9 THE SECRETARY: Mr. Alonso, please?

10 MR. ALONSO: Good evening, members of the
11 Board.

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

14 Notices were previously submitted for this
15 application and this matter has been carried to
16 today. No testimony has been presented, so today
17 will be the first day of testimony.

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

20 MR. ALONSO: I have two witnesses this
21 evening.

22 I have Mr. Valella, who is our architect.
23 I also have Mr. McDonough, who's coming in as our
24 planner. I don't see him yet, so hopefully, I
25 just texted him and he'll -- he'll get here by

1 the time we -- we're ready for him.

2 MR. VALELLA: You want do something else?

3 MR. ALONSO: No. If you want, we could
4 start with this one, or if you'd like we could do
5 the next one, which is also mine. I don't have a
6 planner on that one, just an architect.

7 CHAIRMAN BONACCI: I don't mind shifting
8 around. Whatever's easier for you.

9 MR. PANEQUE: On the second one, on the
10 next one, you don't have a planner?

11 MR. ALONSO: No.

12 MR. PANEQUE: It's just the architect.

13 MR. ALONSO: There's no D variances.

14 MR. PANEQUE: Why don't we do that?

15 MR. ALONSO: Okay.

16 MR. PANEQUE: Then let's do number 4.

17 MR. ALONSO: Okay.

18 MR. PANEQUE: I'd like that we don't do it
19 in piecemeal.

20 MR. ALONSO: That's fine.

21 MR. PANEQUE: And then --

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1 **Jose and Maribel Jorge - 4103 Palisade Avenue:**

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3 THE SECRETARY: We are going to change a
4 little -- what we are going to?

5 Number 5?

6 MR. PANEQUE: We're going to number 4.

7 THE SECRETARY: Number 4?

8 MR. PANEQUE: Yeah. That would be --

9 THE SECRETARY: Right. Let me -- let me
10 call that.

11 Jose and Maribel Jorge.

12 MR. SPATZ: Right.

13 THE SECRETARY: 4103 Palisade Avenue.

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

16 MR. PANEQUE: You got any green cards back
17 or no?

18 MR. ALONSO: No, we don't do the green
19 cards anymore.

20 MR. PANEQUE: No?

21 Okay.

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

24 MR. PANEQUE: For the record, I've been
25 provided by Mr. Alonso with the following

1 documentation:

2 I have an Affidavit of Publication and
3 notices, indicating that notices of tonight's
4 hearing were sent to all property owners within
5 the 200 foot radius of 3103 (sic) Palisade Avenue
6 on November 2nd, 2019.

7 Said Affidavit is signed by Mr. Alonso,
8 notarized by a member of his staff.

9 I've also been provided with a copy of the
10 notice of publication in The Jersey Journal
11 indicating that notice with respect to the
12 property at 4103 Palisade Avenue was published on
13 The Jersey Journal publication on November 2nd,
14 2019, giving notice of tonight's hearing,
15 November 14th, at six p.m., in City Hall, 3715
16 Palisade Avenue.

17 I've also been provided with a copy of the
18 notice that has been sent to all property owners,
19 as well as the 200 foot tax list, that was
20 provided by the Union City Tax Assessor's Office,
21 which has a date of October 24th, 2019.

22 The last item I've been provided with is
23 the certified mail receipts, which have a
24 postmark stamp date of November 2nd, 2019.

25 Based on the documentation that's been

1 provided by Mr. Alonso, I note that this Board
2 has jurisdiction to proceed and hear this matter.

3 MR. ALONSO: Thank you.

4 MR. PANEQUE: Thank you, sir.

5 MR. ALONSO: Good evening, members of the
6 Board.

7 This is an application for the construction
8 of a new two family house. We are located in the
9 R zone, so the -- the use as a two family house
10 is permitted.

11 We need a series of bulk variances or C
12 variances, which the architect will identify
13 during his presentation. We do not need any D
14 variances. It is a permitted use.

15 With that said, I'm going to have the
16 architect sworn in, and we'll qualify him in the
17 area of architecture.

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

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

22 MR. OVEJAS: Yes.

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

25 MR. OVEJAS: Alexander Ovejas,

1 A-L-E-X-A-N-D-E-R, O-V-E-J-A-S.

2 MS. DILLON: Thank you.

3 MR. ALONSO: Mr. Ovejas, can you please
4 review your professional qualifications in the
5 field of architecture?

6 You can put your hand down.

7 MR. OVEJAS: Okay.

8 Yeah, so, I'm an architect here in New
9 Jersey; a licensed architect here in New Jersey.
10 And I've been licensed for almost ten years.

11 I have testified in this city before.

12 CHAIRMAN BONACCI: You've testified before
13 this Board?

14 MR. OVEJAS: Yes.

15 CHAIRMAN BONACCI: Okay.

16 And you're going to provide testimony for
17 the architecture?

18 MR. OVEJAS: That's correct.

19 CHAIRMAN BONACCI: Okay.

20 Thanks.

21 We accept your qualifications.

22 MR. ALONSO: Thank you very -- very much.

23 Mr. Ovejas, do you have the plans that we
24 want to present to the Board?

25 MR. OVEJAS: Yes.

1 And I apologize, I don't have the tripod,
2 but --

3 MR. ALONSO: Okay. We --

4 MR. OVEJAS: -- I can hold them.

5 MR. ALONSO: You can just put it up here,
6 if you want.

7 So, I'm just going to ask you to -- to
8 review the -- the proposal with the Board.

9 MR. OVEJAS: Okay.

10 MR. ALONSO: Identifying the site, the
11 characteristics of the lot and the proposal.

12 MR. OVEJAS: Yeah. So, the property is
13 located obviously 4103 Palisades Avenue.

14 Let's start with the exterior of the
15 building.

16 So, the proposed two family house, exterior
17 finishes are made out of stucco partially, and
18 then partial siding at the rear side of the
19 building.

20 As mentioned, it's a two family house. So,
21 the first unit actually occupies the second floor
22 and half of the third floor. And the second unit
23 is occupied by half of the third floor and full
24 the fourth floor.

25 So, that's one of the C variance we're

1 applying. It's -- I believe it's 40 feet and
2 three stories. And we are 40 feet and four
3 stories.

4 So, the first unit, obviously that's
5 beautiful residential unit we have. We have
6 living room, coming off from the grade, we go up
7 on the stairs, concrete stairs with metal railing
8 going up on the living/dining room. And then,
9 you can access a bedroom right on the second
10 floor.

11 The stairs going up on partial third floor,
12 where we can access two bedrooms. That's unit
13 one.

14 Unit two can be accessed directly, again,
15 from the balcony off of the concrete stairs on
16 the grade, and all the way up on the third floor,
17 half -- half of the third floor will be a living
18 space, which consists of living room and dining
19 room, kitchen. And then, a stairs going up for
20 the full fourth floor, with three bedrooms, as
21 well.

22 We are providing two means of egress; one
23 in the front and then one in the rear of the
24 building, which can be accessed by both -- by
25 both units.

1 Another part of the C variance is the --
2 the lot size, which is -- the required is 2500,
3 we're proposing 20 -- 21 -- 2160.

4 And that's about it.

5 MR. ALONSO: Okay.

6 You identified the height variance, you
7 identified the lot area variance. We also need a
8 lot width variance.

9 Is that correct?

10 MR. OVEJAS: Yes, that's correct.

11 So, the required will be two feet and three
12 feet, we're only providing two feet and one foot
13 seven, currently. But the current building now
14 that is to be demolished is actually attached to
15 one of the structures. So, we're actually making
16 -- making it better.

17 MR. ALONSO: Okay.

18 And what about the side yards? Do we
19 comply with the side yards?

20 MR. OVEJAS: The side yards? Yeah. That's
21 basically what I was discussing --

22 MR. ALONSO: I know but what --

23 MR. OVEJAS: -- the side yards.

24 MR. ALONSO: -- what are the requirements
25 and what are we proposing?

1 MR. OVEJAS: The side yards is two and
2 three, two feet and three feet. And we're
3 providing two feet and a foot seven. So, we're
4 applying for a variance for that obviously.

5 MR. ALONSO: So, we need a variance. Are
6 there any other variances --

7 MR. ORTIZ: Good evening.

8
9 (Whereupon, Miguel Ortiz arrived at 6:20
10 p.m.)

11
12 MR. ALONSO: -- we need for the -- the bulk
13 requirements, other than what you just testified
14 to?

15 MR. OVEJAS: The rear yard, we're provide
16 -- we're requesting variance also.

17 THE SECRETARY: Allow me one second --

18 MR. OVEJAS: The required would be 25 --

19 THE SECRETARY: -- Mr. Alonso?

20 Let's -- let the record reflect that Mr.
21 Ortiz joined the meeting.

22 Thank you.

23 MR. ALONSO: Thank you.

24 MR. OVEJAS: Should I proceed?

25 MR. ALONSO: Yeah.

1 MR. OVEJAS: All right.

2 So, for the rear yard, also we'll be
3 applying for a C variance, where 25 percent of
4 lot depth or 25 feet, we're providing ten feet
5 only.

6 MR. ALONSO: Are there any other C
7 variances that are being requested?

8 MR. OVEJAS: I believe that's about it.

9 MR. ALONSO: Okay.

10 Is there any proposed parking on the site?

11 MR. OVEJAS: Yes. There's a four parking
12 provided, four car parking provided for the --
13 for the building.

14 MR. ALONSO: Okay.

15 And the requirement is four parking spaces?

16 MR. OVEJAS: That is correct.

17 MR. ALONSO: Okay.

18 MR. OVEJAS: Yes.

19 MR. ALONSO: So we do not need a parking
20 variance.

21 Is there anything else that you need to add
22 to your testimony with respect to the
23 architecture?

24 MR. OVEJAS: The only thing I would like to
25 add is due to the limited space of the property,

1 the four car garage will be a tandem, two tandem,
2 which can only accommodate compact cars. So --

3 CHAIRMAN BONACCI: No trucks and stuff like
4 that.

5 MR. OVEJAS: Yes.

6 CHAIRMAN BONACCI: Okay.

7 Four car garage, tandem. So, it would be
8 like two and two.

9 MR. OVEJAS: Two and two.

10 CHAIRMAN BONACCI: Mr. Alonso, do you have
11 any other testimonies or is it just the
12 architect?

13 MR. ALONSO: It's just the architect.

14 CHAIRMAN BONACCI: Okay.

15 Just let me -- so, he'll answer all
16 questions about the application?

17 MR. ALONSO: In terms of architecture.

18 CHAIRMAN BONACCI: Okay.

19 And you can handle the rest?

20 MR. ALONSO: No. There is -- if the Board
21 requires a planner, then I could bring a planner,
22 we'd request an adjournment for that, for
23 purposes, and bring a planner at the next
24 meeting.

25 CHAIRMAN BONACCI: Just a couple of easy

1 | ones for you, sir.

2 | So, how many units in total are we talking
3 | about?

4 | MR. OVEJAS: Two units.

5 | CHAIRMAN BONACCI: Just two units?

6 | MR. OVEJAS: Yes.

7 | CHAIRMAN BONACCI: For the whole building?

8 | MR. OVEJAS: Correct.

9 | CHAIRMAN BONACCI: Four stories and only
10 | two units?

11 | MR. OVEJAS: Yes. The first floor will be
12 | the garage, and half of it will be a laundry room
13 | for -- that will be used for the -- both
14 | occupants.

15 | CHAIRMAN BONACCI: Okay.

16 | MR. OVEJAS: Each unit has three bedrooms.

17 | CHAIRMAN BONACCI: Okay. That's first
18 | floor.

19 | MR. ALONSO: No. It's -- it's kind of like
20 | a split level.

21 | CHAIRMAN BONACCI: Okay.

22 | MR. OVEJAS: Yes.

23 | MR. ALONSO: So, it's both unit's are split
24 | level, so you have one --
25 |

1 (Whereupon, Rosio Pena arrived at 6:22
2 p.m.)
3

4 MR. ALONSO: Unit one is on the first floor
5 -- I'm sorry -- second floor and partially on the
6 third. And unit two is part of the third and the
7 fourth.

8 CHAIRMAN BONACCI: Okay.

9 So, how many are two bedrooms, how many are
10 three? They're all three?

11 MR. OVEJAS: Both are three bedrooms.

12 CHAIRMAN BONACCI: Okay.

13 Both three. So, that's six total units.

14 MR. ALONSO: No, six --

15 MR. OVEJAS: No.

16 MR. ALONSO: -- bedrooms.

17 MR. OVEJAS: Three bedroom.

18 CHAIRMAN BONACCI: Oh, six bedrooms.

19 Gotcha.

20 MR. OVEJAS: Six bedrooms.

21 THE SECRETARY: Mr. Bonacci, allow me one
22 second, please.

23 CHAIRMAN BONACCI: Sure.

24 THE SECRETARY: Let the record indicate
25 that Rosio Pena joined the meeting.

1 Thank you.

2 Go ahead.

3 CHAIRMAN BONACCI: So, with six bedrooms,
4 you're only required to have the four parking
5 spaces?

6 MR. OVEJAS: Yes.

7 MR. ALONSO: Correct.

8 CHAIRMAN BONACCI: So, you guys don't need
9 a -- a variance for that.

10 MR. ALONSO: Correct.

11 MR. OVEJAS: Correct.

12 CHAIRMAN BONACCI: Okay.

13 And then, there was an issue with the
14 impervious coverage. It wasn't calculated.

15 Can you give any testimony with the --

16 MR. OVEJAS: Oh, the --

17 CHAIRMAN BONACCI: -- impervious?

18 MR. OVEJAS: -- impervious coverage,
19 actually it's listed here.

20 Building coverage, it's required 60 percent
21 and we're providing 57. So, not applying for a
22 variance there.

23 CHAIRMAN BONACCI: Okay.

24 Fifty-seven percent impervious coverage.

25 MR. OVEJAS: Correct.

1 CHAIRMAN BONACCI: Just give me one sec to
2 talk to --

3 MR. ALONSO: Sure.

4 CHAIRMAN BONACCI: -- Tomas.

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

7 CHAIRMAN BONACCI: What's the use
8 currently?

9 MR. ALONSO: The use is --

10 MR. OVEJAS: The use --

11 MR. ALONSO: Is it -- is it one family or a
12 two family currently?

13 MR. OVEJAS: I think it's a one family.
14 I'm not --

15 CHAIRMAN BONACCI: Okay.

16 Can you give any testimony with regards to
17 safety standards? I know you gave a little bit.
18 Can -- can you give any more?

19 MR. OVEJAS: Safety standards, as
20 mentioned, we are providing two means of egress;
21 one in the front and one in the rear, which can
22 be accessed by both units.

23 CHAIRMAN BONACCI: Okay.

24 So, you could testify that it's a safe
25 building to live in, in the event of an

1 emergency.

2 MR. OVEJAS: That is correct. And all the
3 --

4 CHAIRMAN BONACCI: No trouble getting out.
5 No trouble for anybody to get in.

6 MR. OVEJAS: Yes. And all bedrooms will be
7 provided with egress windows. We'll be rating
8 all the -- the separation between the units, one
9 hour rated. And whatever is required by the
10 Code, we will provide it.

11 CHAIRMAN BONACCI: And then, coming out of
12 the tandem spots, is there any sort of -- of
13 problem, if there were pedestrians -- you know,
14 passing the building?

15 MR. OVEJAS: It shouldn't because we have a
16 driveway right in front of the parking garage,
17 which the dimension is about 20 feet off the
18 property line.

19 CHAIRMAN BONACCI: Do you guys have any
20 area that's going to be dedicated to like
21 recycling, garbage, that kind of stuff? Or does
22 that need to be discussed?

23 MR. OVEJAS: We can provide that on -- as
24 mentioned, we have a laundry area on the first
25 floor. It's very significant area that we can

1 provide those at that location.

2 CHAIRMAN BONACCI: Okay.

3 I'll make a suggestion for that.

4 Is the building handicap accessible, and is
5 there any sort of requirements that you need to
6 make it -- you know, accessible, if anybody lived
7 there that's handicapped?

8 MR. OVEJAS: We're -- I believe if we
9 proceed with construction documents, it's going
10 to be under New Jersey IRC, Residential Code,
11 which I believe does not require accessible.

12 CHAIRMAN BONACCI: Okay.

13 I don't have any more questions right now.
14 I don't know if anybody -- members of the Board,
15 questions for this application?

16 Okay.

17 I'm going to just open it up to the public.

18 MR. ALONSO: Sure.

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

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

23 MR. PRICE: I do.

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

1 MR. PRICE: Larry Price, 1006 Palisade
2 Avenue.

3 MS. DILLON: Thank you very much.

4 MR. PRICE: The height of the building is
5 four stories, how many feet?

6 MR. OVEJAS: Forty feet.

7 MR. PRICE: Forty, four-zero?

8 MR. OVEJAS: Yes.

9 MR. PRICE: Okay.

10 Thank you.

11 CHAIRMAN BONACCI: How does the building
12 currently stand?

13 Three stories?

14 MR. OVEJAS: I believe it's two story.

15 CHAIRMAN BONACCI: It's two stories and
16 it's going from two to four?

17 MR. OVEJAS: Correct. Yes.

18 CHAIRMAN BONACCI: And the whole
19 neighborhood is filled up with just two stories
20 or all 40 -- 40 feet.

21 Right? Is the max?

22 MR. OVEJAS: Forty feet.

23 MR. ALONSO: Well, 40 feet is --

24 CHAIRMAN BONACCI: You're allowed?

25 MR. ALONSO: Yeah. That's the max that's

1 permitted.

2 CHAIRMAN BONACCI: And you guys are going
3 to be four stories.

4 MR. ALONSO: Forty feet.

5 CHAIRMAN BONACCI: Gotcha.

6 MR. ALONSO: Which is permitted.

7 CHAIRMAN BONACCI: Which one is permitted?

8 MR. ALONSO: Forty feet.

9 CHAIRMAN BONACCI: Forty feet's permitted.
10 But this is four stories, plus an additional 40
11 feet.

12 MR. ALONSO: No, no. The four stories
13 measures --

14 CHAIRMAN BONACCI: Four stories equals 40
15 feet.

16 MR. ALONSO: -- 40 feet.

17 CHAIRMAN BONACCI: So you don't need a
18 variance for that.

19 MR. ALONSO: Correct.

20 CHAIRMAN BONACCI: So that's not even --

21 MR. PANEQUE: Actually --

22 MR. ALONSO: No, we need --

23 We need a C variance for the number of
24 stories.

25 CHAIRMAN BONACCI: Okay.

1 MR. ALONSO: But not for a D variance for
2 the height.

3 CHAIRMAN BONACCI: Sorry about that.

4 MR. ALONSO: That's okay.

5 CHAIRMAN BONACCI: So, the use is pretty
6 close to what's there now.

7 MR. ALONSO: Right.

8 CHAIRMAN BONACCI: R zone.

9 MR. ALONSO: Correct.

10 CHAIRMAN BONACCI: It's a residential
11 property. Okay. I mean, seems pretty
12 straightforward to me.

13 MR. ALONSO: Correct.

14 CHAIRMAN BONACCI: The only recommendation
15 that I would make is that if you could do
16 anything -- you know, dedicated area for the
17 garbage.

18 MR. OVEJAS: Um hum.

19 CHAIRMAN BONACCI: And to just make sure
20 that there's no problems backing in or getting
21 out of the driveway, so that there's no safety
22 issues.

23 Other than that, I'll make a motion to --
24 Real quick.

25 The application seems to serve the public

1 good. It's inherently beneficial, conforms to
2 the Master Plan, Zoning Ordinances and meets the
3 safety standards. There's no public harm or
4 detriment.

5 I'll make a motion to approve the
6 application.

7 THE SECRETARY: Motion on the table to
8 approve the application by Mr. Bonacci.

9 Any second on the motion?

10 VICE CHAIRMAN GRULLON: Second.

11 THE SECRETARY: Second by Mr. Grullon.

12 Roll call on the motion to approve this
13 application.

14 Mr. Bonacci?

15 CHAIRMAN BONACCI: Yes.

16 THE SECRETARY: Mr. Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mrs. Perez?

25 MS. PEREZ: Yes.

1 THE SECRETARY: Mr. Cetinich?

2 MR. CETINICH: Yes.

3 THE SECRETARY: Seven in favor.

4 Motion carries.

5 Thank you.

6 MR. ALONSO: Very good.

7 Thank you very much.

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

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3 MR. ALONSO: Back up on this one. Next
4 one.

5 I just got a text message from our planner,
6 who's also the planner on the other matter that
7 was carried on West Street.

8 CHAIRMAN BONACCI: Okay.

9 MR. ALONSO: So, he was confused. So, he
10 thought that both applications were -- were going
11 to be carried, so we could do the architecture
12 today if you'd like, in order to at least start
13 the process.

14 CHAIRMAN BONACCI: I would just do it all
15 --

16 MR. PANEQUE: I -- Mr. Alonso, I -- I would
17 suggest that we do it all in one hearing.

18 MR. ALONSO: Okay.

19 MR. PANEQUE: And the reason for that is
20 that it's going to be very clear to the Board,
21 instead of bifurcating the hearing into two
22 parts, especially since --

23 MR. ALONSO: I'll defer.

24 MR. PANEQUE: -- we have a 30 day gap --

25 MR. ALONSO: Sure.

1 MR. PANEQUE: -- in between one expert
2 testifying and the other.

3 MR. ALONSO: I --

4 MR. PANEQUE: So --

5 MR. ALONSO: I always defer to the Board.
6 If that's your pleasure, then --

7 CHAIRMAN BONACCI: Okay.

8 Yeah. So, we'll carry it over to December.
9 And this way, we'll hear everything in one shot,
10 so that we don't get like drips and drabs and --

11 MR. ALONSO: Very good.

12 CHAIRMAN BONACCI: I know how to --

13 MR. ALONSO: And that's December 12th.

14 CHAIRMAN BONACCI: Twelfth.

15 THE SECRETARY: Twelve.

16 MR. PANEQUE: 12/12.

17 MR. ALONSO: 12/12.

18 MR. PANEQUE: Make a notice to the public,
19 if anybody's here on that application.

20 CHAIRMAN BONACCI: If anybody is here,
21 members of the public, for the application on the
22 agenda that's number 3, 1711 Manhattan Avenue,
23 that application will be adjourned until next
24 month's meeting, December 12 --

25 MR. ALONSO: Thank you very much.

1 CHAIRMAN BONACCI: -- 2019.

2 MR. PANEQUE: Okay.

3 MR. ALONSO: Have a happy Thanksgiving.

4 MR. PRESSEY: Thank you.

5 MS. GUTIERREZ: Thank you.

6 CHAIRMAN BONACCI: You, too.

7 VICE CHAIRMAN GRULLON: You, too.

8 THE SECRETARY: All right.

9 Motion on the table by Mr. Bonacci to
10 adjourn this application for December 12, 2019.

11 Seconded by Ms. Gutierrez.

12 Roll call on the motion to adjourn this
13 application for December 12.

14 Mr. Bonacci?

15 CHAIRMAN BONACCI: Yes.

16 THE SECRETARY: Mr. Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Ms. Pena?

2 MS. PENA: Yes.

3 THE SECRETARY: Seven in favor.

4 Motion carries.

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

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1 **Shannon Guy Errico - 110 42nd Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Shannon Guy Errico, 110 42nd
5 Street.

6 Ms. Pereiras, please?

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

9 MR. PANEQUE: All right.

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

12 I have a certification as to publication
13 and service, signed by Ms. Pereiras, indicating
14 that notice of tonight's hearing with respect to
15 the property at 110 42nd Street was provided to
16 all property owners within the 200 foot radius on
17 October 30th, 2019, as well as having been
18 published in the local newspaper, The Jersey
19 Journal.

20 I've also been provided with a Affidavit of
21 Publication from The Jersey Journal, which
22 indicates that the notice, with respect to the
23 property at 110 42nd Street was published in the
24 paper on November 2nd, 2019.

25 Said notice indicates that the hearing will

1 take place tonight at this address. And it does
2 list the request made by the applicant.

3 I've also been provided with the certified
4 mail receipts, which have a postmark date of
5 October 30th, as well as the 200 foot tax list,
6 which was provided by the Union City Tax
7 Assessor's Office, with a date of October 25th,
8 2019, with respect to the property at 110 42nd
9 Street.

10 I've also been provided with the green
11 cards that have come back to date.

12 Based on the documentation that's been
13 provided by Ms. Pereiras, this Board has
14 jurisdiction to proceed and hear this matter.

15 MS. PEREIRAS: Thank you, counsel.

16 Good evening.

17 Good evening, Mr. Chairman, members of the
18 Board.

19 May it please the Board, Bianca Pereiras,
20 on behalf of Shannon Guy Errico, for property
21 located at 110 42nd Street, also known as Block
22 248, Lot 15.

23 The property in question is a legal one
24 family. There is an existing unit in the
25 basement that we are here before the Board to

1 | hopefully legalize, making it, in essence, a two
2 | family.

3 | We have a few variances, mostly stemming
4 | from the fact that we have a lot that does not
5 | have the -- the typical depth in Union City. We
6 | have 25 width by 76 feet in depth.

7 | We have one expert to testify before the
8 | Board this evening, and that is architect,
9 | Orestes Valella.

10 | Mr. Valella?

11 | MR. VALELLA: Yes.

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

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

15 | MR. VALELLA: I do.

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

18 | MR. VALELLA: Sure.

19 | My name is Orestes Valella, V-A-L-E-L-L-A;
20 | professional offices at 5809 Madison Street in
21 | West New York, New Jersey.

22 | CHAIRMAN BONACCI: Mr. Valella, you've
23 | testified before this Board many times.

24 | MR. VALELLA: Yes.

25 | CHAIRMAN BONACCI: So, welcome back.

1 MR. VALELLA: Thank you.

2 MS. PEREIRAS: And Mr. Valella, I
3 understand you did not prepare the drawings
4 before the Board this evening, but have you had
5 an opportunity to review the drawings?

6 MR. VALELLA: Yes. Manny sent them to me a
7 few days ago, and I've -- and I've poured over
8 them.

9 MS. PEREIRAS: Great.

10 And if you could please discuss, or
11 describe for the Board, the legalization as to
12 that ground floor unit, and any variances that we
13 might trigger?

14 MR. VALELLA: Sure.

15 Well, as counsel mentioned, this is a
16 property with an irregular size lot. It's on 42nd
17 Street. It's about 125 feet off of Park Avenue.

18 The property is 25 feet in width and 76
19 feet in depth. It has a lot area of 1,845.10
20 square feet.

21 There is an existing one story and a half,
22 the basement is actually raised, structure on the
23 property. And the apart -- or the home is on the
24 ground level and that remains as is.

25 The dwelling unit in question that we're

1 proposing for you to consider is in the basement,
2 is an existing basement apartment. And we'd like
3 to do some modifications to it and bring it up to
4 Code, so that is what we're here for.

5 The second page, drawing Z02, has the
6 existing and the proposed conditions for both
7 levels.

8 As you can see on the left hand corner, the
9 basement apartment is an existing two bedroom
10 apartment, with a furnace in the middle, a living
11 room/dining room. You can access it directly
12 from the street.

13 As I mentioned, it's very much raised, so
14 there are a few steps down from the street, you
15 enter the apartment. A few steps up, and you
16 enter the ground floor apartment.

17 There is space in the back that provides a
18 potential for mechanical spaces with a direct
19 access from the backyard. And that is what we
20 are going to propose.

21 The existing apartment on the ground level
22 or the home proper, is an existing three bedroom,
23 living room, kitchen, bathroom dwelling unit, and
24 that basically stays as is.

25 Our proposal for the apartment is very

1 minor. The apartment is -- has 782.94 square
2 feet. It's an existing two bedroom and we
3 propose to maintain that.

4 We'd like -- we're expanding on it by
5 redoing the mechanical area. The mechanical, the
6 two -- the two boilers and the two hot water
7 heaters will be completely separate from the
8 dwelling unit. You gain access through the
9 backyard. There is a side yard that gives access
10 to that.

11 We are reconstructing the bedrooms, so that
12 -- you know, they have proper privacy, closets
13 and they all have existing windows that, if
14 necessary, will be modified to provide emergency
15 access for them.

16 So you know, the -- the intent here is --
17 the apartment right now is substandard. The
18 bedrooms are tiny. They don't have walls.
19 They're kind of open, no closets. There's a big
20 area in the rear that is wasted. That area, we
21 are redeveloping as a private, separate
22 mechanical room. The kitchen in the back is
23 being rebuilt. Now the kitchen faces the living
24 room, dining room. So, it's a -- it's a far
25 superior layout than what is there.

1 And, of course, should this be -- should
2 this proceed, that's also an opportunity to
3 rebuild -- it's basically a rebuild. New
4 mechanical systems, new electrical. The Building
5 Department would require -- will require a
6 sprinkler system in the -- in the basement. The
7 confirmation of all the egress windows.

8 So, it's a substantial improvement, not
9 only in the quality of life, but in the life
10 safety of that unit that is there right now. So
11 that is why -- you know, I -- I'm happy to
12 represent these types of proposals.

13 The -- with regards to the zoning data, the
14 -- the property is in the R low density
15 residential zone. It's an existing one family.
16 One, two and three families are permitted. We're
17 proposing a two family.

18 It's deficient in lot area; 2500 square
19 feet would be required, 1845 is existing. As you
20 all well know, every property in Union City is
21 developed. There's no opportunity to purchase,
22 unless a sale comes up, adjacent properties to
23 expand the -- the footprint.

24 The lot width is satisfied. It's 25. It's
25 deficient in depth, it's 76 where a hundred is

1 required.

2 The front yard requirement is ten feet, or
3 the prevailing setback. Actually, the prevailing
4 setback on that block is basically zero and this
5 home is at zero.

6 The rear yard is 25 percent of the lot
7 depth. The existing is 19 feet eight inches.
8 So, it would -- it's not -- it's not -- doesn't
9 satisfy the 25 feet for a hundred footer.

10 The side yards are two feet one, five feet
11 combined, four on one and -- is -- and zero on
12 the other are -- are present. That four foot
13 side yard on one side is what gives access to the
14 mechanical room and allows for the windows in the
15 -- in the bedrooms that we're proposing.

16 We're rebuilding the bedroom count. We're
17 not increasing the -- the density of the home.
18 It's an existing two bedroom, it remains an
19 existing two bedroom.

20 The maximum number of stories is three
21 stories are permitted. This is really one and a
22 half. I know Manny put down two, but it's -- in
23 reality, it's one and a half.

24 The maximum building height would be 40
25 feet. This one is approximately 15 to 18 feet,

1 or thereabouts. So, it's substantially less.

2 It's a smaller home. It's -- the bulk of this is
3 substantially less than the average.

4 The maximum building coverage is 16 -- 60
5 percent. And this one comes in at 54.21. So, it
6 meets building coverage, as well.

7 Maximum lot coverage is 85 percent and it's
8 at 95.5. So, it's deficient in that sense, where
9 the property is more developed, in terms of
10 pavements.

11 Off-street parking, three spaces would be
12 required. There is no parking on the property.
13 There never has been. This property was built to
14 the property line and it has functioned this way
15 from conception.

16 And that's about it. You know, it's a nice
17 little house, one family, with an existing
18 apartment that's probably been there forever. An
19 opportunity to bring it up to Code and provide a
20 more livable environment for the occupant.

21 That's about it.

22 CHAIRMAN BONACCI: Okay.

23 That's the only testimony.

24 Right?

25 MS. PEREIRAS: That is correct.

1 CHAIRMAN BONACCI: Okay.

2 Mr. Valella, the square foot of the
3 basement, did you say it was 782? Something
4 close to that?

5 MR. VALELLA: Yeah. The -- the proposed
6 basement apartment is 782.94. So, almost 783.

7 CHAIRMAN BONACCI: Okay.

8 How about the square footage of each one of
9 the two bedrooms?

10 MR. VALELLA: The bedrooms are clear open,
11 eight -- eight foot eight by ten foot seven, and
12 eight foot eight by ten oh.

13 Those dimensions exclude the new closet.
14 So, in effect, they're considerably larger than
15 what are existing.

16 CHAIRMAN BONACCI: Okay.

17 Let me just -- Mr. Spatz?

18 MR. SPATZ: Yes.

19 CHAIRMAN BONACCI: So, the square footage
20 of each bedroom, ten, seven and 8.8, 8.8 and ten
21 oh.

22 MR. SPATZ: Right. Well, we don't -- I
23 mean, the Ordinance does not have any standards
24 or any control over the bedroom size.

25 CHAIRMAN BONACCI: Okay.

1 MR. SPATZ: It does over the unit and --
2 and although, because it's a two family, it
3 wouldn't trigger the unit size. For a two
4 family, our Ordinance would require 750 square
5 foot.

6 MR. VALELLA: Right.

7 MR. SPATZ: So, the unit is bigger than
8 what --

9 CHAIRMAN BONACCI: Okay.

10 MR. VALELLA: I can --

11 MR. SPATZ: -- you know --

12 MR. VALELLA: -- expand on the bedroom
13 size. Your question -- I think you may find it
14 -- I know where you're going.

15 CHAIRMAN BONACCI: Okay.

16 MR. VALELLA: The Building Code, not the
17 zoning, but the actual New Jersey Building Code
18 does impose a minimum size for a bedroom, or
19 habitable room. And that's seven by 10 or 70
20 square feet, so --

21 CHAIRMAN BONACCI: Okay. You guys are over
22 that.

23 MR. VALELLA: This one is larger than --

24 CHAIRMAN BONACCI: Okay.

25 MR. VALELLA: -- the minimum. Yes.

1 CHAIRMAN BONACCI: Okay.

2 You mentioned something about egress
3 windows.

4 Can you just elaborate a little bit more?

5 MR. VALELLA: Yes. Basically, the Code
6 requires that each bedroom have a window that is
7 accessible, in case of an emergency, fireman.
8 And that window has to have a certain height. It
9 cannot be above a certain dimension from the
10 floor, et cetera.

11 Looking at these windows -- and that's
12 something that gets confirmed through the
13 construction document process. Sometimes, we
14 find that, oops, they don't meet, and then the
15 Building Department makes us make them bigger,
16 which is doable. These look like they will be
17 satisfactory.

18 CHAIRMAN BONACCI: Okay.

19 So, besides where you get into the space,
20 the living space, you have those windows, as
21 well.

22 MR. VALELLA: You have the -- you have --
23 frankly, you have one, two, three win -- four
24 windows and the main door to gain access to the
25 unit.

1 CHAIRMAN BONACCI: Okay.

2 And when you were testifying about the
3 mechanical room, boiler, hot water heater --

4 MR. VALELLA: Um hum.

5 CHAIRMAN BONACCI: -- electrical room,
6 you're going to shift that around?

7 MR. VALELLA: Yes, that is being
8 reconstructed. And then, that is given a
9 separate entrance from the rear, so that -- you
10 know, whenever maintenance or things happen, the
11 tenant is not disturbed.

12 And also -- you know, once you do that,
13 again, the Building Department actually does a
14 very, very good job at this. It gets fire rated.
15 The -- the exhaust that's being generated, there
16 is exhaust provisions. You know, it all gets --
17 it actually gets handled very well. It's much
18 safer.

19 CHAIRMAN BONACCI: Okay.

20 MR. VALELLA: Um hum.

21 CHAIRMAN BONACCI: Members of the Board?

22 VICE CHAIRMAN GRULLON: Mr. Valella, the
23 basement apartment, the height -- the height of
24 the ceiling.

25 Do you know?

1 MR. VALELLA: I don't know. It's not given
2 here. I did not have an opportunity to -- to
3 visit. I can give you a professional guestimate,
4 but it's about seven -- I would say it's probably
5 seven feet or more.

6 VICE CHAIRMAN GRULLON: Did you have an
7 opportunity to visit the site?

8 MR. VALELLA: I did not. I -- I looked at
9 it on Google and I -- and I reviewed the
10 drawings, but I did not actually -- was able to
11 visit. It was short notice.

12 But I -- I'm thinking it's no less than
13 seven feet.

14 VICE CHAIRMAN GRULLON: Is that something
15 that is controlled at Building Department, for
16 permit?

17 MR. PANEQUE: It is.

18 VICE CHAIRMAN GRULLON: Yeah.

19 MR. PANEQUE: Yeah. Mr. Spatz, the
20 Building Department would determine if the height
21 of the ceiling in the basement would be
22 appropriate?

23 MR. SPATZ: That -- that's correct. And
24 --

25 MR. VALELLA: Yeah.

1 MR. SPATZ: The -- the response to that
2 would be they would make them dig out the floor
3 to get the increased height, if needed. But that
4 is part of their review.

5 MR. VALELLA: Yeah. I've had many of those
6 instances. Seven feet is the minimum that is
7 acceptable with this Building Department. I
8 suspect this one is going to be either seven or
9 more, because it's very shallow and then it comes
10 up.

11 But in case it isn't, I don't want to
12 mislead the Board, the Building Department will
13 make them lower the slab and -- because it's
14 being rebuilt, so there is no hardship to doing
15 that.

16 MR. MEDINA: Is it ground floor or --
17 ground floor?

18 Right?

19 MR. VALELLA: It's not ground floor.
20 Technically, it is a basement, but it's about
21 three -- three feet or so below grade.

22 VICE CHAIRMAN GRULLON: Mr. Valella, you
23 mentioned there is going to be a sprinkle.

24 MR. VALELLA: Yes. Yeah. Your -- your
25 Building Department won't issue a permit without

1 | that.

2 | VICE CHAIRMAN GRULLON: Okay.

3 | CHAIRMAN BONACCI: Open to the public.

4 | Okay.

5 | Closed to the public.

6 | The application seems to serve the public
7 | good. It is inherently beneficial, conforms to
8 | the Master Plan, Zoning Ordinance. This meets
9 | safety standards, no public harm or detriment.

10 | I'd like to make a motion to approve the
11 | application.

12 | THE SECRETARY: Motion on the table to
13 | approve the application by Mr. Bonacci.

14 | Any second on the motion?

15 | Seconded by Ms. Gutierrez.

16 | Roll call on the motion to approve this
17 | application.

18 | Mr. Bonacci?

19 | CHAIRMAN BONACCI: Yes.

20 | THE SECRETARY: Mr. Grullon?

21 | VICE CHAIRMAN GRULLON: Yes.

22 | THE SECRETARY: Ms. Gutierrez?

23 | MS. GUTIERREZ: Yes.

24 | THE SECRETARY: Mr. Pressey?

25 | MR. PRESSEY: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Mr. Ortiz?

4 MR. ORTIZ: Yes.

5 THE SECRETARY: Ms. Pena?

6 MS. PENA: Yes.

7 THE SECRETARY: Seven in favor.

8 Motion carries.

9 MS. PEREIRAS: Thank you all --

10 THE SECRETARY: Thank you.

11 MS. PEREIRAS: -- very much.

12 Good night.

13 MS. GUTIERREZ: Good night.

14 MS. PEREIRAS: Happy Thanksgiving.

15 See you next month.

16 THE SECRETARY: Good night.

17 MS. GUTIERREZ: Thank you. You, too.

18 MS. PEREIRAS: Thank you.

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

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1 **Angel Denis - 542 40th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Angel Denis, 542 40th Street.

5 Mr. Alum, please?

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

8 MR. PANEQUE: Thank you, sir.

9 For the record --

10 You're Mr. Diaz?

11 MR. DIAZ: Yes, I am.

12 MR. PANEQUE: Okay.

13 For the record, I've been provided by Mr.
14 Diaz with the following documentation:

15 I have a certification of mailing,
16 indicating that notice of tonight's hearing, with
17 respect to the property located at 542nd (sic)
18 40th Street, was provided to all property owners
19 within the 200 foot radius on November 1st, 2019.

20 I've also been provided with the certified
21 mail slips, with a postmark date of November 1st,
22 as well as the receipts from the Post Office.

23 I've also been provided with a copy of the
24 Affidavit of Publication from The Jersey Journal,
25 indicating that notice of tonight's hearing,

1 November 14, 2019, was given to all property
2 owners of the property at 542nd (sic) 40th Street.
3 And the notice does indicate that it will take
4 place here at City Hall, 3715 Palisade Avenue.
5 Said notice was published on November 2nd, 2019.

6 I've also been provided with a copy of the
7 actual notice that went out, signed by Mr. Diaz,
8 as well as the copy of the 200 foot list provided
9 by the Union City Tax Assessor's Office, which
10 has a date of October 24, 2019.

11 Based on the documentation provided, this
12 Board has jurisdiction to proceed and hear this
13 matter.

14 MR. DIAZ: Thank you.

15 Good evening, Board.

16 May it please the Board, I am here today
17 for Angel Denis, seeking a legalization of a
18 second floor unit. It's a one family, to convert
19 it to a two family.

20 And I have expert architect, Mr. Orestes
21 Valella, which of course, you've already met. If
22 I can ask him just a couple questions before
23 proceeding?

24 All right.

25 It's fair to say that you did not prepare

1 the plans, but you are familiar with the plans.

2 Is that correct?

3 MR. VALELLA: Yes. I reviewed the plans.

4 MR. DIAZ: And have you had the opportunity
5 to review them thoroughly?

6 MR. VALELLA: I hope so.

7 MR. DIAZ: And I will let the expert take
8 over and read you the plans accordingly, and the
9 legalization.

10 MR. VALELLA: Okay.

11 So, this -- these plans were prepared by
12 Manny and he just was not able to come today, so
13 I'm trying to fill in as best I can.

14 It's a legalization of a second floor
15 apartment. So, going from a one family to a two
16 family.

17 The property is located at 542 40th Street.
18 And the property -- the lot is 17.57 feet deep
19 (sic) by 100 feet -- by 100 foot in depth. So,
20 it's below the 2500 square foot threshold.

21 It is an existing home that's there. They
22 seem to have built a few of them in a row -- you
23 know, when they built them. So, it's a nice
24 urban type. It's -- it fits in. It's not one of
25 a kind. It's been there and it has three

1 | stories, or two and a half. There is a basement
2 | at grade level. There is the ground floor
3 | apartment and the second floor, where we're
4 | proposing to legalize the second unit. The --
5 | you can see that on the site plan.

6 | There is an existing driveway in the front
7 | of the home that accommodates one car.

8 | The plans themselves are on the second
9 | page. And these show the existing condition.
10 | The basement is the first floor -- is the first
11 | floor shown. It is open. It has a washer/dryer,
12 | the boiler, the hot water heater and that's about
13 | it.

14 | You can get access from it -- to it from
15 | grade level. It has a ceiling height of six foot
16 | four. Perhaps, that's why it's empty.

17 | The second, or the first proper floor is
18 | the main bulk of the home. It has the living
19 | room, it has a bedroom, kitchen and a bedroom.

20 | You come up the stairs and you enter it, it
21 | also has an internal stair that gives access to
22 | the second floor that has the second apartment,
23 | the kitchen, a one bedroom and the living room.
24 | And that has a nine foot ceiling.

25 | So, that's the bulk of what's existing.

1 On the third page, basically, what you have
2 are the elevations of the home. And it shows the
3 front, the two sides and the rear. But this is
4 more for information, because there's no proposal
5 to alter the exterior of the home.

6 What is being -- what is being requested is
7 the existing apartment on the second floor, which
8 is a one bedroom, nine foot ceiling,
9 approximately between 900 and a thousand square
10 feet in floor area for a one bedroom, is before
11 your consideration.

12 It's an existing. It has a kitchen in the
13 rear, the bedroom, the living room, and it has --
14 you know, since this is an older home, it has a
15 nine -- nine foot ceiling.

16 You get -- you get access to it from the
17 front door. You come in, there's the stair.
18 Originally, this must have been where the
19 bedrooms were located for a one family home,
20 where they had the ground floor, the living room,
21 the dining room, the kitchen, and then perhaps
22 two bedrooms on the second floor.

23 At some point, this must have been
24 converted to an apartment. It works. The two
25 units are separated. There is an entrance

1 hallway. You go up to the second floor. You
2 know, 800 to -- or 900 to a thousand square feet
3 is not a bad area for a one bedroom apartment.
4 This one has a nine foot ceiling, has a beautiful
5 bay window. So you know, it -- it must be --
6 have a very pleasant living environment.

7 The ground floor unit is not effected by
8 this proposal. It is an existing two bedroom.
9 It's significantly larger. I would say about
10 1400 square feet in floor area, which again, is a
11 very good size for a two bedroom unit.

12 The bedroom is in the back, kitchen, living
13 room, dining room and the second bedroom is in
14 the front.

15 The -- what I call the original home has
16 ceiling heights of eight foot four. There must
17 have been an addition in the rear at some point,
18 where the kitchen and the bedrooms are locate --
19 and the second bedroom is located. And that has
20 a ceiling height of 7.9. But the second floor
21 apartment is within the original home.

22 With regards to --

23 So, from a life safety standpoint, there's
24 very little that need be done here. A two family
25 does not trigger ADA. The Building Department

1 will require fire separations between the two
2 units. It will require emergency lights and the
3 doors for the two units to be -- you know, have a
4 certain fire rating, et cetera.

5 But it's not very -- from what I see, not
6 much is going to be necessary to legalize this
7 from a life safety standpoint.

8 The -- the zoning data is this is in the R,
9 low density residential, where one, two and three
10 families are permitted. This is a one family and
11 a two family is being requested.

12 A minimum lot area of 2500 would be
13 required. This one is deficient. This one is
14 1,760.43 square feet. So, it is below the 2500
15 square foot threshold. The reason for that is
16 these are narrow lots. And I'm not here to
17 speculate or to teach, but if you can see, they
18 built a few of these in a row. And when they did
19 that -- you know, they -- they narrowed down the
20 footprint and created row houses. The row house
21 -- common walls and -- and do that.

22 That's -- I think that's why it's not a 25
23 foot lot. The -- the lot width is 17.57.
24 However, the lot depth is a hundred.

25 Again, like the previous application, ten

1 foot, or the prevailing setback would be
2 required. The existing is ten, but not -- more
3 importantly than that, all of these homes are the
4 same so, it maintains the -- the streetscape.
5 It's a continuous streetscape.

6 The lot depth required would be 25 percent
7 of the hundred, which would be 25. This one has
8 an existing 17 foot rear yard.

9 The side yards required are two and five.
10 This is zero. Again, these were built as row
11 houses, with windows in the front and in the
12 rear.

13 The height permitted is three stories.
14 This is a two story home.

15 The maximum building height is 40 feet.
16 This existing at 27.3 feet. So, again, it's
17 lower than what could have been.

18 One that I'm always very happy with is
19 building coverage; 60 percent is the maximum you
20 can develop. This is at 58. So, that's always
21 an important one for me.

22 The next one is minimum lot coverage; 85
23 percent and this is at a hundred. Again, because
24 the -- the outside surfaces must -- are all
25 paved.

1 The parking requirement would be three
2 parking spaces and there is one, which is an
3 existing, adjacent to the entrance porch.

4 And you can see that on the pictures on the
5 ground floor, the red car in the driveway.

6 That wasn't original to the home. That was
7 added at some point. But it does provide some
8 parking relief.

9 That's it. You know, this is an older row
10 house type that was built in series. Makes for a
11 beautiful home. There will be no visual -- there
12 would not be any visual impact if this is
13 approved. There would be no impact to the
14 density that's there already.

15 And that's all I can say.

16 MR. DIAZ: Thank you.

17 CHAIRMAN BONACCI: Counsel, any other
18 testimony or just Mr. -- okay.

19 Okay.

20 Mr. Valella?

21 MR. VALELLA: Um hum.

22 CHAIRMAN BONACCI: You testified with the
23 row house kind of --

24 MR. VALELLA: Um hum.

25 CHAIRMAN BONACCI: -- consistent with the

1 rest of the neighborhood.

2 MR. VALELLA: Yeah.

3 CHAIRMAN BONACCI: Would you agree?

4 MR. VALELLA: Yes.

5 CHAIRMAN BONACCI: Okay.

6 So, you would testify that because it's
7 consistent with the row house kind of design of
8 the neighborhood, it's consistent with the way
9 that it was originally designed to be.

10 MR. VALELLA: Absolutely. The only
11 difference is these were all probably done as one
12 families when they were built originally, and
13 they're probably all twos by now.

14 CHAIRMAN BONACCI: Now, this is a second
15 floor apartment.

16 MR. VALELLA: Yes.

17 CHAIRMAN BONACCI: On the last application,
18 we were talking about the windows and the egress.

19 MR. VALELLA: Um hum.

20 CHAIRMAN BONACCI: Can you give any sort of
21 testimony on this application, with that same
22 sort of topic?

23 MR. VALELLA: Yeah. The -- the same
24 applies here.

25 We have very large -- a very large bay

1 window and additional window. We actually have
2 one, two, three, four windows to the street on
3 the second floor. And they're all considerably
4 larger than would be required. So --

5 CHAIRMAN BONACCI: Do you need to put like
6 a fire escape or --

7 MR. VALELLA: No.

8 CHAIRMAN BONACCI: Okay.

9 MR. VALELLA: Not for this.

10 CHAIRMAN BONACCI: That doesn't --

11 MR. VALELLA: The window --

12 CHAIRMAN BONACCI: -- fall under this
13 Board, anyway.

14 Right?

15 MR. VALELLA: No. It doesn't fall into
16 this Board, but also -- you know, there's a
17 height threshold at which point that triggers in.
18 So, yes, you could have a two family with a fire
19 escape, if this second floor is above a certain
20 dimension. I do not believe this falls into that
21 category.

22 CHAIRMAN BONACCI: Okay.

23 I'm sorry. I didn't get a chance to see
24 the total height of the --

25 MR. VALELLA: The total height of the home

1 is 27.3.

2 CHAIRMAN BONACCI: And that's within your

3 --

4 MR. VALELLA: To the roof. Yeah.

5 CHAIRMAN BONACCI: So, you conform there.

6 Right?

7 MR. VALELLA: Yeah.

8 CHAIRMAN BONACCI: Okay.

9 MR. VALELLA: Yeah. We were permitted 40
10 feet.

11 With regards to the question about the fire
12 escape, it's not to the ridge, it's to the floor
13 of the second home.

14 CHAIRMAN BONACCI: Okay.

15 MR. VALELLA: Yeah.

16 CHAIRMAN BONACCI: The basement is just
17 mechanical room and utilities and stuff?

18 MR. VALELLA: Yeah. The basement --
19 actually, we do have the information on the
20 height. It's unfinished. It doesn't have any
21 partitioning, no kitchen, no -- you know,
22 microwave. And it has a six foot three -- six
23 foot four ceiling height, so perhaps that's why
24 it was left dormant.

25 CHAIRMAN BONACCI: And Mr. Valella, the

1 second floor has separate access to that
2 apartment.

3 Right?

4 MR. VALELLA: Yes.

5 CHAIRMAN BONACCI: Okay.

6 MR. VALELLA: It's a private entrance.

7 CHAIRMAN BONACCI: Now, according to Mr.
8 Spatz memo, you would need three spaces, and you
9 were providing zero. Now, you're testifying that
10 you're providing one. So, you're only deficient
11 two now.

12 Right?

13 MR. VALELLA: Well, there is an existing
14 driveway with a curb cut on the property. You
15 can see -- in my plans, you can see the red
16 pickup truck on it.

17 So, yes, it has an existing one. Now the
18 depth of that parking I would have to -- because
19 you know, your Ordinance requires a certain
20 width, depth for an official parking space, which
21 is nine by 18. Unless it's changed now.

22 Is it still nine by 18?

23 MR. SPATZ: Same size. Yes.

24 MR. VALELLA: Yeah. So --

25 CHAIRMAN BONACCI: It might not be an

1 official spot, but you could fit a car in there.

2 MR. VALELLA: It's -- it's working. You
3 can --

4 CHAIRMAN BONACCI: Okay.

5 MR. VALELLA: -- see the car there.

6 CHAIRMAN BONACCI: All right.

7 And you said that first floor unit would
8 now be two bedrooms, 1400 square feet.

9 MR. VALELLA: Approximately, yes.

10 CHAIRMAN BONACCI: And the second floor --

11 MR. VALELLA: One bedroom.

12 CHAIRMAN BONACCI: A thousand square feet.

13 MR. VALELLA: Approximately a thousand.

14 CHAIRMAN BONACCI: Okay.

15 I don't have any more -- more questions.

16 Thank you.

17 MR. VALELLA: You're welcome.

18 CHAIRMAN BONACCI: Members of the Board?

19 VICE CHAIRMAN GRULLON: Mr. Valella, any
20 proposed demolition, construction in this -- in
21 this application?

22 MR. VALELLA: Only what would be require --
23 there's no proposed alteration. What is there is
24 what will stay.

25 There usually -- your Building Department

1 starts looking into it with the architect.
2 Whatever construction is going to happen is going
3 to be from life safety standpoint. Like the
4 doors don't meet the fire rating, change the
5 doors. The lights -- you know, the outlets
6 aren't GFIs, change it. Or arc fault -- so,
7 there is no proposed redoing of the layout.
8 There's the technical little things that will
9 probably be modified, for the better.

10 CHAIRMAN BONACCI: Thank you.

11 VICE CHAIRMAN GRULLON: Thank you.

12 CHAIRMAN BONACCI: Just going to open it to
13 the public.

14 Members of the public?

15 Closed to the public.

16 Before I make a motion, application seems
17 to serve the public good, inherently beneficial,
18 conforms to the Master Plan, Zoning Ordinances,
19 meets safety standards, no public harm or
20 detriment.

21 I'd like to make a motion to approve the
22 application.

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

25 Any second the motion?

1 Seconded by Ms. Gutierrez.
2 Roll call on the motion.
3 Mr. Bonacci?
4 CHAIRMAN BONACCI: Yes.
5 THE SECRETARY: Mr. Grullon?
6 VICE CHAIRMAN GRULLON: Yes.
7 THE SECRETARY: Ms. Gutierrez?
8 MS. GUTIERREZ: Yes.
9 THE SECRETARY: Mr. Pressey?
10 MR. PRESSEY: Yes.
11 THE SECRETARY: Mr. Medina?
12 (No audible response.)
13 THE SECRETARY: Mr. Ortiz?
14 MR. ORTIZ: Yes.
15 THE SECRETARY: Mrs. Pena?
16 MS. PENA: Yes.
17 THE SECRETARY: Seven in favor.
18 Motion carries.
19 MR. VALELLA: Thank you.
20 Have a great night.
21 THE SECRETARY: Thank you.
22 Good night.
23 CHAIRMAN BONACCI: You, too.
24 MR. PANEQUE: Thank you.
25 MR. DIAZ: Thank you, Board.

1 Have a good evening.

2 Happy Thanksgiving.

3 MS. GUTIERREZ: Happy Thanksgiving.

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1 **RESOLUTIONS:**

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3 (1) Satinderjit Kaur, 628 36th Street, Block
4 260.01, Lot 12. Two family residential. **Revised**
5 **plans required. Revised plans received on 11-04-**
6 **2019.**

7 (2) Resolution to approve the Zoning Board of
8 Adjustment schedule for the year 2020.

9

10 THE SECRETARY: We are going now to move to
11 Resolutions.

12 We have two Resolutions on tonight's
13 agenda.

14 Resolution number 1.

15 Satinderjit Kaur, 628 36th Street.

16 Resolution number 2.

17 To approve the Zoning Board of Adjustment
18 schedule for the year 2020.

19 Can I have a motion to --

20 Motion by Mr. Ortiz to approve.

21 Seconded by?

22 Ms. Gutierrez.

23 I'm sorry.

24 I -- I apologize for that. Mr. -- Mr.

25 Ortiz was absent at the previous meeting.

1 All right.

2 Can I have a motion?

3 MS. GUTIERREZ: I'll make a motion.

4 THE SECRETARY: Motion by Ms. Gutierrez.

5 Seconded by?

6 VICE CHAIRMAN GRULLON: Second.

7 THE SECRETARY: Seconded by Mr. Grullon.

8 Motion by Ms. Gutierrez.

9 Seconded by Mr. Grullon.

10 Roll call on the motion.

11 Mr. Bonacci?

12 CHAIRMAN BONACCI: Yes.

13 THE SECRETARY: Mr. Grullon?

14 VICE CHAIRMAN GRULLON: Yes.

15 THE SECRETARY: Ms. Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Ms. Pena?

22 MS. PENA: Yes.

23 THE SECRETARY: Ms. Perez?

24 MS. PEREZ: Yes.

25 THE SECRETARY: Seven in favor.

1 Motion carries.

2 Thank you.

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1 **ADJOURNMENT:**

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3 THE SECRETARY: Can I have a motion to
4 close tonight's meeting?

5 Motion by Mr. Pressey.

6 Seconded by Ms. Pena.

7 Roll call on the motion.

8 Mr. Bonacci?

9 CHAIRMAN BONACCI: Yes.

10 THE SECRETARY: Mr. Gullon?

11 VICE CHAIRMAN GRULLON: Yes.

12 THE SECRETARY: Ms. Gutierrez?

13 MS. GUTIERREZ: Yes.

14 THE SECRETARY: Mr. Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Mr. Pressey?

17 MR. PRESSEY: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Ms. Pena?

21 (No audible response.)

22 THE SECRETARY: Ms. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Motion carries.

25 Seven in favor.

1 Thank you.

2 Have a good night, everyone.

3 Let the record show that the meeting has
4 ended.

5 Good night.

6 MS. GUTIERREZ: Good night.

7

8 (Whereupon, the proceedings were concluded
9 at 7:08 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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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, November 14, 2019
10 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon