

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, January 9, 2020
Commencing at 6:19 p.m.

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

MARGARITA GUTIERREZ
JOHN MEDINA
DAVID W. PRESSEY, (Arrived at 6:58 p.m.)
ROSIO PENA, Alternate No. 1
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
GERALDINE PEREZ, Alternate No. 2

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:

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Maria Hernandez

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

ANTHONY F. SARSANO, ESQ.,
Attorney for Applicant, Ashok Sharma

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 111 35th Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 2600 Investment Corp.

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
Tower Management Service, LP

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1 THE SECRETARY: Please.

2 Please take notice that on Thursday,
3 January 9, 2020, at six p.m., a Regular Meeting
4 is scheduled for the City of Union City Zoning
5 Board of Adjustment, to be held in the Municipal
6 Chamber, located on the Second Floor, 3715
7 Palisade Avenue, Union City, New Jersey.

8 Adequate notice of this meeting has been
9 provided as follow:

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

17 Before we go to meeting, can we kindly rise
18 to salute the flag?

19

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

22

23 THE SECRETARY: Thank you.

24

25 **ROLL CALL:**

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

4 Mr. Bonacci?

5 MR. BONACCI: Here.

6 THE SECRETARY: Mr. Grullon?

7 MR. GRULLON: Here.

8 THE SECRETARY: Mr. Marotta is absent.

9 Ms. Gutierrez?

10 MS. GUTIERREZ: Here.

11 THE SECRETARY: Mr. Ortiz?

12 Is absent.

13 Mr. Pressey?

14 Absent.

15 Mr. Medina?

16 MR. MEDINA: Here.

17 THE SECRETARY: Ms. Pena?

18 MS. PENA: Here.

19 THE SECRETARY: Ms. -- Ms. Perez is absent.

20 Mr. Cetinich?

21 MR. CETINICH: Here.

22 THE SECRETARY: Ms. Watley?

23 MS. WATLEY: Here.

24 THE SECRETARY: We have seven members
25 present for tonight's hearing.

1 We have a full quorum.

2 Let the record indicate there are seven
3 present.

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1 **REORGANIZATION:**

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3 THE SECRETARY: All right.

4 We are going first to Reorganization to
5 elect Chair and Vice Chairperson, Reorganization
6 Meeting.

7 Can I have a motion to nominate a
8 Chairperson?

9 MS. GUTIERREZ: I make a motion --

10 THE SECRETARY: Yes?

11 MS. GUTIERREZ: -- to nominate --

12 THE SECRETARY: Say the name, please.

13 MS. GUTIERREZ: Mr. Bonacci.

14 THE SECRETARY: Motion by Ms. Gutierrez to
15 nominate Mr. Bonacci as the Chairperson.

16 Any other nomination?

17 Seeing none.

18 Can I have a second?

19 MR. GRULLON: I second.

20 THE SECRETARY: Second by Mr. Grullon.

21 Roll call on the motion.

22 Mr. Bonacci?

23 MR. BONACCI: Yes.

24 THE SECRETARY: Mr. Grullon?

25 MR. GRULLON: Yes.

1 THE SECRETARY: Ms. Gutierrez?
2 MS. GUTIERREZ: Yes.
3 THE SECRETARY: Mr. Medina?
4 MR. MEDINA: Yes.
5 THE SECRETARY: Ms. Pena?
6 MS. PENA: Yes.
7 THE SECRETARY: Mr. Cetinich?
8 MR. CETINICH: Yes.
9 THE SECRETARY: Ms. Watley?
10 MS. WATLEY: Yes.
11 THE SECRETARY: Seven in favor.
12 Motion carries.
13 Congratulation, Mr. Bonacci, as --
14 CHAIRMAN BONACCI: Thank you.
15 THE SECRETARY: -- Chairperson.
16 CHAIRMAN BONACCI: One more year.
17 Thanks, guys.
18 THE SECRETARY: All right.
19 We are going now to nominate a Vice
20 Chairperson.
21 Can I have a motion to nominate a Chair --
22 a Vice Chairperson, please?
23 Ms. Gutierrez, what is the name of the
24 person?
25 MS. GUTIERREZ: Victor Grullon.

1 THE SECRETARY: Ms. Gutierrez nominate Mr.
2 Grullon to be a Chairperson.

3 Any other nomination?

4 CHAIRMAN BONACCI: I second Mr. Grullon.

5 THE SECRETARY: See no other nomination,
6 can I have a second for Ms. Gutierrez nomination?

7 CHAIRMAN BONACCI: Right here.

8 THE SECRETARY: Second by Mr. Bonacci.

9 MS. GUTIERREZ: Um hum.

10 THE SECRETARY: Roll call on the motion.
11 Mr. Bonacci?

12 CHAIRMAN BONACCI: Yes.

13 THE SECRETARY: Mr. Grullon?

14 MR. GRULLON: Yes, accept. Yes.

15 THE SECRETARY: Ms. Gutierrez?

16 MS. GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Yes.

19 THE SECRETARY: Ms. Pena?

20 MS. PENA: Yes.

21 THE SECRETARY: Mr. Cetinich?

22 MR. CETINICH: Yes.

23 THE SECRETARY: Ms. Watley?

24 MS. WATLEY: Yes.

25 THE SECRETARY: Seven in favor.

1 Motion carries.

2 Congratulation, Mr. Grullon as Vice
3 Chairperson.

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1 **ADOPTION OF MINUTES:**

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

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5 THE SECRETARY: All right.

6 We are going to approval of previous

7 meeting minutes of December 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: You was absent at the
17 previous meeting.

18 Are you -- Mr. Bonacci, you was absent the
19 previous meeting.

20 Right?

21 CHAIRMAN BONACCI: December, yes.

22 THE SECRETARY: December. Yeah.

23 CHAIRMAN BONACCI: December --

24 THE SECRETARY: Then, you --

25 CHAIRMAN BONACCI: Okay.

1 THE SECRETARY: You want to abstain?

2 CHAIRMAN BONACCI: Yeah, I abstain.

3 I'm sorry.

4 THE SECRETARY: Mr. Bonacci abstain.

5 Mr. Grullon?

6 VICE CHAIRMAN GRULLON: Yes.

7 THE SECRETARY: Ms. Gutierrez?

8 MS. GUTIERREZ: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 MR. PANEQUE: Mr. Medina was absent at the

12 last --

13 MS. GUTIERREZ: He was absent.

14 MR. PANEQUE: -- meeting.

15 MR. MEDINA: I'm sorry.

16 Abstain.

17 THE SECRETARY: You abstain, Mr. Medina?

18 MS. GUTIERREZ: Yeah, he was absent.

19 THE SECRETARY: Okay.

20 Thank you.

21 Ms. Pena?

22 MS. PENA: Yes.

23 THE SECRETARY: Mr. Cetinich?

24 MR. CETINICH: Yes.

25 THE SECRETARY: Ms. Watley?

1 MS. WATLEY: Yes.

2 THE SECRETARY: Five in favor, two
3 abstained.

4 Motion carries.

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1 **CORRECTIVE RESOLUTION:**

2 **Maria Hernandez - 200 40th Street:**

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4 THE SECRETARY: All right.

5 We are going to first hearing on tonight's
6 agenda.

7 We are going to Maria Hernandez, 200 40th
8 Street.

9 Is that correct, the Resolution?

10 Mr. Lopez, please?

11 MR. LOPEZ: Good evening, Mr. Chairman,
12 members of the Board.

13 Adolfo Lopez, appearing on behalf of the
14 applicant, Maria Hernandez.

15 The reason for my appearance tonight is
16 that we are requesting a Corrective Resolution,
17 something was -- that was approved by this Board
18 in 2011.

19 The correction really has nothing to do
20 with the variance. The variance was to approve
21 an additional residential unit.

22 The problem arose in the Building
23 Department, because the description of the
24 property was five residential units and one
25 commercial, when, in fact, there are two

1 commercial units. There have always been two
2 commercial units.

3 And I will distribute to you, with
4 counsel's approval --

5 MR. PANEQUE: Yes.

6 MR. LOPEZ: -- the transcript that -- the
7 entire Resolution and the transcript page
8 addressing that particular issue, for your
9 review.

10 I've previously provided this to Mr.
11 Paneque. And Mr. Vallejo has, within the files
12 of the Board of Adjustment, the entire
13 transcript. I have it also. Because it's all on
14 one page, that's the only thing that I'm really
15 providing.

16 Mr. Chairman, there are seven copies. And
17 I've highlighted --

18 CHAIRMAN BONACCI: We can accept it?

19 MR. PANEQUE: Yes.

20 CHAIRMAN BONACCI: Okay.

21 MR. LOPEZ: I've highlighted the first page
22 of the Resolution, which contains the error --

23 VICE CHAIRMAN GRULLON: (Indiscernible) --

24 CHAIRMAN BONACCI: I just asked him, yeah.

25 MR. LOPEZ: -- as well as the last page is

1 | page 33 of the transcript, and there is also the
2 | highlighted portion. And so, I will go over it
3 | with you.

4 | The Resolution indicates that, in the first
5 | sentence, that there is -- the Board approves a
6 | variance to convert a structure with four
7 | residential and one commercial unit, to five
8 | residential and one commercial unit. The problem
9 | is not the residential. The problem is the
10 | commercial.

11 | And I call your attention to page 33 of the
12 | transcript. It is line 17 through 22, where the
13 | -- where the planner describes that the property
14 | contains two or three commercial units. Well, in
15 | fact, it's only two commercial units.

16 | And that is the only thing we're seeking,
17 | that the Resolution properly reflect that it's
18 | two commercial units.

19 | And once again, the commercial units was
20 | not an issue, it was not the variance that was
21 | granted by the Board.

22 | And that's really all we're seeking.

23 | CHAIRMAN BONACCI: Okay.

24 | Mr. Paneque, so this, if approved, would be
25 | a motion to correct the Resolution? Would that

1 be the right way to state it?

2 MR. PANEQUE: Yes.

3 And just so that the record is clear, this
4 appears to have been a mistake when the
5 Resolution was written. The Resolution was
6 written, and it's on paragraph one of the
7 Resolution, page one, stating that the applicant
8 is coming in to convert a structure with four
9 residential units and one commercial, to five
10 residential units and one commercial.

11 The -- the proper way it should have read
12 should have been that the applicant was coming in
13 to convert a structure that had four residential
14 units and two commercials, into five residential
15 units with two commercial units.

16 It appears that this was a mistake. And
17 what proves that it was a mistake is that during
18 the course of the hearing, the testimony that was
19 given was that there were two commercial units.
20 And -- and that is what Mr. Lopez has attached,
21 which is on page 33 of the transcript.

22 So, on its face, it's clearly a mistake
23 that was made when the Resolution was prepared.
24 It had not been caught for the last nine years,
25 but now that the Building Department has been

1 reviewing this Resolution, they've noticed the
2 mistake and they have requested that the
3 applicant come back before the Board to have this
4 mistake corrected.

5 Based on the fact that this is more of a
6 typo, a typographical error, there is no need for
7 the applicant to publish and serve notice, and
8 that's why no notice has been requested of the
9 applicant.

10 So, what is being requested of this Board
11 is to give its consent to have this Resolution
12 corrected, so that it will read exactly the way
13 it was meant, which is with an end result of five
14 residential units, plus the two commercial.

15 Anything else, Mr. Lopez?

16 MR. LOPEZ: That -- that states it all.

17 MR. PANEQUE: Any other questions of the
18 Board?

19 CHAIRMAN BONACCI: Okay.

20 So, with that --

21 MR. PANEQUE: Open to the public.

22 CHAIRMAN BONACCI: Members of the public?
23 Members of the public?

24 Closed to members of the public.

25 I'll make a motion to correct the

1 Resolution to five residential units and two
2 commercial units, for 200 40th Street.

3 MR. LOPEZ: That's correct; 200 40th
4 Street, Block 237, Lot 10.

5 CHAIRMAN BONACCI: Make a motion --

6 THE SECRETARY: Thank you.

7 Motion --

8 CHAIRMAN BONACCI: -- to correct the
9 Resolution.

10 THE SECRETARY: -- to approve the
11 correction by Mr. Bonacci.

12 Any second?

13 Second by Ms. Gutierrez.

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

16 Mr. Bonacci?

17 CHAIRMAN BONACCI: Yes.

18 THE SECRETARY: Mr. Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Ms. Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Ms. Pena?

25 MS. PENA: Yes.

1 THE SECRETARY: Mr. Cetinich?

2 MR. CETINICH: Yes.

3 THE SECRETARY: Mrs. Watley?

4 MS. WATLEY: Yes.

5 THE SECRETARY: Seven in favor.

6 Motion carries.

7 Thank you.

8 MR. LOPEZ: Thank you so much.

9 Good evening.

10 CHAIRMAN BONACCI: Um hum.

11 MS. GUTIERREZ: Good evening.

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

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

6 Mr. Paneque, please?

7 MR. PANEQUE: We have Mr. --

8 THE SECRETARY: Oh, Mr. Alonso's here.

9 MR. PANEQUE: -- Alonso here, so I'll let
10 Mr. Alonso make his request on the record.

11 MR. ALONSO: Yes. I'm happy to be here.

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

14 The Board recalls, this is the application
15 where there was a discrepancy between the
16 Building Department records and what our client
17 believed was the actual use of the property.

18 We came in for an application. Several of
19 the Board members wanted to visit the site. I
20 don't believe that that visit has happened yet,
21 so any revised plans would be subject to that
22 visit.

23 CHAIRMAN BONACCI: Okay.

24 MR. ALONSO: So we're -- we're --

25 CHAIRMAN BONACCI: Sorry about that.

1 MR. ALONSO: That's okay.

2 CHAIRMAN BONACCI: All right. We still got
3 to touch base with each other.

4 MR. ALONSO: Yeah.

5 CHAIRMAN BONACCI: A lot happened with the
6 holidays. I wasn't here for December, so my
7 apologies with that.

8 So, we're carrying --

9 MR. ALONSO: Understand.

10 CHAIRMAN BONACCI: -- carrying it over to
11 February?

12 MR. PANEQUE: Yes. I believe Mr. Alonso's
13 request is to carry the matter to February 13th
14 meeting.

15 MR. ALONSO: Yes.

16 MR. PANEQUE: Okay.

17 MR. ALONSO: No, 13th, I'm -- I'm not
18 available.

19 March?

20 MR. PANEQUE: March?

21 Mr. Vallejo, March is what? What date is
22 the meeting in March?

23 THE SECRETARY: This application has been
24 here since May.

25 MR. PANEQUE: Um hum.

1 MR. SPATZ: Twelfth. It's the 12th.

2 THE SECRETARY: March -- March 12.

3 MR. PANEQUE: March 12?

4 CHAIRMAN BONACCI: We'll get this all
5 wrapped up for you March.

6 MR. ALONSO: Very good.

7 MR. PANEQUE: Okay?

8 MR. ALONSO: That's great.

9 Thank you.

10 MR. PANEQUE: Have a -- is there a motion
11 on the floor?

12 CHAIRMAN BONACCI: Make a motion to adjourn
13 this until March, pending our visit to the site.

14 THE SECRETARY: March 12, 2020.

15 Motion on the table to adjourn this
16 application by Mr. Bonacci.

17 Any second?

18 Second --

19 VICE CHAIRMAN GRULLON: Second.

20 THE SECRETARY: Seconded by Mr. Grullon.

21 Roll call on the motion to adjourn this
22 application for March 12, 2020.

23 Mr. Bonacci?

24 CHAIRMAN BONACCI: Yes.

25 THE SECRETARY: Mr. Grullon?

1 VICE CHAIRMAN GRULLON: Yes.

2 THE SECRETARY: Ms. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Ms. Pena?

7 MS. PENA: Yes.

8 THE SECRETARY: Mr. Cetinich?

9 MR. CETINICH: Yes.

10 THE SECRETARY: Ms. Watley?

11 MS. WATLEY: Yes.

12 THE SECRETARY: Seven in favor.

13 Motion carries.

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

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1 **Ashok Sharma - 209 Roosevelt Street:**

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3 THE SECRETARY: Okay.

4 We are moving to number three.

5 Ashok Sharma, 209 Roosevelt Street.

6 Mr. Sarsano, please?

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

9 VICE CHAIRMAN GRULLON: I have to recuse
10 myself on this application.

11 THE SECRETARY: Huh?

12 MS. GUTIERREZ: He has to recuse himself.

13 THE SECRETARY: All right. Let the record
14 indicate that Mr. Grullon going to recuse from
15 this application.

16

17 (Whereupon, Vice Chairman Victor M. Grullon
18 recused and stepped down from the dais at 6:35
19 p.m.)

20

21 THE SECRETARY: Let the record indicate we
22 have -- we have six members.

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

25 MR. PRICE: Mr. Chairman?

1 Mr. Chairman?

2 CHAIRMAN BONACCI: Yes.

3 MR. PRICE: I would ask your permission to
4 move here. We had a problem with acoustics last
5 time. I couldn't hear Ms. --

6 CHAIRMAN BONACCI: Sure. Let's just wait
7 until we get --

8 MR. DILLON: Please raise your right hand.

9 CHAIRMAN BONACCI: Do you want to stand
10 over here?

11 MR. PRICE: Well, I was going to sit there.

12 CHAIRMAN BONACCI: Okay.

13 MR. PRICE: That's what I did last time.

14 CHAIRMAN BONACCI: Well, just -- let's just
15 start --

16 THE SECRETARY: I'll give you a chair. Is
17 fine.

18 MR. PRICE: What?

19 THE SECRETARY: That's fine. That's okay.
20 Don't worry about it.

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

23 MR. SARSANO: May I proceed?

24 CHAIRMAN BONACCI: Sure.

25 MR. SARSANO: Okay.

1 Thank you.

2 Good evening, Mr. Chairman, members of the
3 Board, counsel.

4 My name is Anthony Sarsano.

5 This is an application to convert three
6 residential units into four.

7 MR. DILLON: Mr. Sarsano, can you --

8 MR. SARSANO: Yeah. Okay.

9 MR. DILLON: Can you stand a little closer
10 to the microphone, so I can hear you?

11 MR. SARSANO: All right.

12 I had begun this application at the last --

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

15 MR. SARSANO: Okay?

16 MR. DILLON: We're good.

17 MR. SARSANO: All right.

18 I begun this application and we stopped it
19 fairly quickly because we wanted an opportunity
20 to revise the plans with respect to some concerns
21 that the Board had.

22 At this point, we'd like to proceed and
23 call our first expert, Ms. Rosas, with respect to
24 that.

25 CHAIRMAN BONACCI: And she's the expert

1 with regards to -- she's --

2 MR. SARSANO: The plan. She's the
3 architect.

4 CHAIRMAN BONACCI: -- the planner. Okay.

5 Ms. --

6 MS. ROSAS: Carola Rosas.

7 MR. DILLON: Please raise your right hand.

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

10 MS. ROSAS: I do.

11 MR. DILLON: State your name and spell it
12 for the record.

13 MS. ROSAS: Carola Rosas, C-A-R-O-L-A, last
14 name is R-O-S-A-S.

15 MR. DILLON: Thank you.

16 MS. ROSAS: Um hum.

17 MR. SARSANO: Okay.

18 Mrs. -- do you want any qualification
19 stipulation, or do you want me --

20 CHAIRMAN BONACCI: If you don't mind, just
21 so we have it on record.

22 MR. SARSANO: Yeah. Sure.

23 CHAIRMAN BONACCI: Yeah.

24 MR. SARSANO: What's your profession?

25 MS. ROSAS: I have a Bachelors of

1 | Architecture from Pratt Institute, a Masters of
2 | Architecture from Columbia University, licensed
3 | in New York and licensed in New Jersey.

4 | CHAIRMAN BONACCI: You've testified before
5 | zoning boards before?

6 | MS. ROSAS: Sure. I have.

7 | CHAIRMAN BONACCI: Other municipalities?

8 | MS. ROSAS: I have.

9 | CHAIRMAN BONACCI: Union City, too?

10 | MS. ROSAS: Yes.

11 | CHAIRMAN BONACCI: Okay. We accept your
12 | qualifications.

13 | MS. ROSAS: Thank you.

14 | MR. SARSANO: Thank you.

15 | Ms. Rosas, did you have an opportunity to
16 | revise some drawings with respect to this
17 | application?

18 | MS. ROSAS: Yes. I have amended the
19 | drawings and --

20 | MR. SARSANO: Give the Board an overview --

21 | MS. ROSAS: Um hum.

22 | MR. SARSANO: -- exactly what this
23 | application entails, please?

24 | MS. ROSAS: Yes.

25 | Again, the building is a four story frame

1 building. The C of O indicates that it's three
2 dwelling units. What we'd like to do is legalize
3 the additional dwelling unit on the third level,
4 which is one bedroom apartment.

5 And I also want to mention that the owners
6 do pay for taxes for four dwelling units. I do
7 have a copy of the tax record, if you'd like
8 that.

9 CHAIRMAN BONACCI: If we need that, we'll
10 --

11 MS. ROSAS: Okay. Great.

12 CHAIRMAN BONACCI: -- enter that as exhibit
13 whatever, later.

14 MS. ROSAS: Sure.

15 Thank you.

16 MR. SARSANO: Could you give a little more
17 specificity?

18 MS. ROSAS: Yes. So, what you can do is,
19 basically, refer to your plan, open it up, and
20 we're going to review each of the plans. Um hum.

21 So, basically, there's no change in
22 footprint. The front yard -- the front yard has
23 a --

24 MR. PRICE: (Indiscernible) -- hearing
25 also. Did he read the transcript?

1 MR. PANEQUE: Certify to that.

2 CHAIRMAN BONACCI: I'm assuming that
3 they're just presenting it from scratch.

4 MR. PRICE: He -- (indiscernible) -- done
5 it tonight by the time --

6 CHAIRMAN BONACCI: He said he didn't
7 proceed last time.

8 MR. PRICE: She testified last time.

9 CHAIRMAN BONACCI: She's testifying now.

10 A VOICE: Can't hear you.

11 CHAIRMAN BONACCI: Excuse me. I'm sorry.

12 MR. SARSANO: Okay. Let me just give you
13 clarification.

14 CHAIRMAN BONACCI: Yeah.

15 MR. SARSANO: We did start the application.
16 Ms. Rosas did, in fact, --

17 CHAIRMAN BONACCI: And now she's presenting
18 --

19 MR. SARSANO: -- start her testimony --

20 CHAIRMAN BONACCI: Right.

21 MR. SARSANO: -- and it was stopped at some
22 point.

23 CHAIRMAN BONACCI: Establish -- you guys
24 had established jurisdiction and all that?

25 MR. SARSANO: Yes.

1 CHAIRMAN BONACCI: Okay.

2 Yeah, because it says that it was adjourned
3 from the last meeting.

4 MR. PRICE: But the -- the problem is you.
5 You weren't here last time.

6 MS. GUTIERREZ: No, you weren't here.

7 MR. PRICE: You haven't read a transcript.

8 MS. GUTIERREZ: Yeah.

9 CHAIRMAN BONACCI: Right.

10 MR. PRICE: You haven't certified.

11 CHAIRMAN BONACCI: But they're testifying

12 --

13 MR. PRICE: You have to do that.

14 CHAIRMAN BONACCI: -- now, Mr. Price.

15 MR. PRICE: What?

16 CHAIRMAN BONACCI: They're testifying now.

17 MR. PANEQUE: Let's -- let me boil this
18 down to a simple question.

19 Mr. Sarsano, the plan that's being
20 presented tonight, is that the same plan that was
21 presented at the last meeting?

22 MS. ROSAS: It's --

23 MR. SARSANO: No.

24 MR. PANEQUE: Or has it been revised?

25 MS. ROSAS: Revised.

1 MR. SARSANO: Thank you.

2 It's been revised.

3 MR. PANEQUE: Okay.

4 I -- I knew the answer to that because this
5 plan was received on December 19. So, are you
6 now starting this application from a de novo
7 status?

8 MR. SARSANO: Yes, with respect to
9 testimony.

10 MR. PANEQUE: Okay.

11 MR. SARSANO: Definitely.

12 MR. PANEQUE: And are you requesting that
13 this Board disregard any previous testimony that
14 was presented at the December meeting?

15 MR. SARSANO: I am, counsel.

16 MR. PANEQUE: Okay.

17 So, we're -- everybody and this Board has
18 -- is being advised that anything that was
19 testified to at the December meeting is to be
20 disregarded.

21 We have a new set of plans that have been
22 presented. They were presented to the Board on
23 December 19.

24 And these plans, Mr. Sarsano, are different
25 than the plans that were presented at the

1 December 12th meeting.

2 Correct?

3 MR. SARSANO: Yes, Mr. Paneque.

4 MR. PANEQUE: And you have your witness
5 here to testify as to these plans tonight.

6 MR. SARSANO: I do.

7 MR. PANEQUE: Okay.

8 And you're starting this application de
9 novo.

10 MR. SARSANO: Yes, I am.

11 MR. PANEQUE: And you're still relying on
12 your notices from last time and the -- and the
13 adjournment that was carried over to tonight's
14 meeting.

15 MR. SARSANO: Yes.

16 MR. PANEQUE: Okay.

17 Thank you.

18 CHAIRMAN BONACCI: My apologies.

19 MS. ROSAS: Okay. Okay. So, we'll start
20 again.

21 So, the building is an existing four story
22 frame building. The C of O does indicate that
23 it's three dwelling units on record. So, what we
24 want to do, again, is legalize one bedroom
25 apartment on the third level, so that would make

1 | it a total of four dwelling units.

2 | There's going to be -- as I mentioned
3 | before, taxes are being paid for four dwelling
4 | units. They have been paid. I have proof of
5 | that.

6 | Also, there's no change to the footprint of
7 | the building. So, as for the setbacks, in the
8 | drawings, in the upper right hand corner,
9 | basically the front yard is 20 -- 22 feet deep.
10 | That's where we have two open space parking.
11 | It's existing.

12 | On the side yards is zero and zero. The
13 | rear yard is 22 feet.

14 | If you could refer to your plans? We'll
15 | start from the left to the right, which is the
16 | ground floor and -- and I'll take you through the
17 | building.

18 | So, the diagram number two, starting from
19 | the left, basically, toward the rear of the
20 | building, we have a one bedroom apartment. It's
21 | about 450 square feet. It's to remain.

22 | Toward the front of the building, we have a
23 | two car garage. And beyond that, I mentioned two
24 | open space parking. So, in fact, we have four
25 | parking spaces existing.

1 Diagram number three, which is a first
2 floor plan, is an existing two bedroom apartment.
3 This apartment is approximately 840 square feet.
4 We have two bedroom, a combination of kitchen,
5 dining, living and a bathroom existing. There's
6 going to be no work on this floor.

7 The next floor level is the second floor
8 plan, very similar to the previous one. It's
9 about -- it's also a two bedroom apartment. It's
10 about 841 square feet. The only difference that
11 there is an existing den in the center space, but
12 otherwise it's two bedrooms.

13 So, diagram number five is the third floor.
14 This is the unit we want to legalize, a one
15 bedroom apartment. This apartment is 530 square
16 feet. It has a combination of kitchen, living
17 and dining area, open space, and a bedroom and a
18 bathroom.

19 Now, toward the rear of the bedroom, we
20 want to fill in a small area. It's about 30
21 square feet in order to increase the bedroom
22 size. And all this -- this fill in is going to
23 be within the footprint of the building. So,
24 it's not going beyond the existing building.

25 The other point I want to mention, in terms

1 of safety, is that each of the units is going to
2 have access to two means of egress. That is the
3 internal stair, which is existing, and also
4 access to the fire escape. That's one point.

5 The second point is the existing walls
6 around the stairway are going to be upgraded from
7 one hour to two hours.

8 And also, the entry doors, which is wood,
9 existing, we're going to upgrade from wood to
10 metal fire rated, self-closing doors.

11 And lastly, the building will be
12 sprinklered. So, in terms of safety, we're
13 considering all the points.

14 The front facade, there's really no change
15 to the front façade. The garage will remain as
16 is, with the garage doors. And the rear façade,
17 the only change, I did mention the 30 square
18 feet, we're adding on the top bedroom to increase
19 the bedroom size. That is the top left hand
20 corner. We're just going to fill in that area
21 and it's going to blend in with existing
22 rooflines.

23 So, the variance that we are requesting, I
24 want to mention that is preexisting condition,
25 the variance. And that has to do with the lot

1 size, width, depth, side yard, rear yard and
2 parking. Again, we have four parking spaces.
3 What's required is six.

4 And if you have any questions, you may ask.

5 CHAIRMAN BONACCI: My question, first, is
6 for Mr. Sarsano.

7 Do you have any more testimony that you
8 would like to provide? Anybody that you have
9 that --

10 MR. SARSANO: Yeah.

11 CHAIRMAN BONACCI: Okay.

12 MR. SARSANO: I have a planner.

13 CHAIRMAN BONACCI: Because in that case,
14 Ms. Rosas, if you have a question as -- as it
15 pertains to the planning?

16 MS. ROSAS: Um hum.

17 CHAIRMAN BONACCI: If you don't mind, we'll
18 just ask you to come back up.

19 MS. ROSAS: Sure.

20 CHAIRMAN BONACCI: I figured we'll just
21 hear all the testimony first and then --

22 MS. ROSAS: That's fine.

23 CHAIRMAN BONACCI: -- present our questions
24 the way they need to go.

25 MR. SARSANO: Okay.

1 CHAIRMAN BONACCI: Okay.

2 MR. SARSANO: No problem.

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

5 MR. SARSANO: May I proceed?

6 CHAIRMAN BONACCI: Sure, that's fine.

7 MR. SARSANO: Okay.

8 As I indicated, my second expert witness is
9 a planner.

10 Would you please give your name?

11 MR. LEONCAVALLO: Certainly.

12 John, last name is Leoncavallo,

13 L-E-O-N-C-A-V as in Victor, A-L-L-O.

14 MR. SARSANO: Okay.

15 Could you --

16 MR. DILLON: Please raise your right hand.

17 Do you swear the testimony you're about to
18 give this Board is the whole truth?

19 MR. LEONCAVALLO: Yes.

20 MR. DILLON: Thank you.

21 MR. SARSANO: You are a professional
22 planner?

23 MR. LEONCAVALLO: Yes, been a professional
24 planner for over 35 years. Testified before this
25 Board and other boards throughout New Jersey, and

1 Superior Court --

2 CHAIRMAN BONACCI: Thank you.

3 MR. LEONCAVALLO: -- in New Jersey.

4 CHAIRMAN BONACCI: We accept your
5 qualifications.

6 MR. SARSANO: Okay.

7 CHAIRMAN BONACCI: So, you're testifying as
8 planner, too?

9 MR. SARSANO: He's --

10 CHAIRMAN BONACCI: I'm sorry.

11 MR. SARSANO: He's the planner.

12 CHAIRMAN BONACCI: The -- of this --

13 MR. SARSANO: For this --

14 CHAIRMAN BONACCI: Okay.

15 MR. SARSANO: For this application.

16 MR. LEONCAVALLO: The last -- I -- I
17 believe she's an architect.

18 CHAIRMAN BONACCI: Gotcha.

19 All right.

20 MR. SARSANO: All right.

21 CHAIRMAN BONACCI: Okay.

22 MR. LEONCAVALLO: Okay. I'll just go
23 through quickly what we have.

24 MR. SARSANO: Relating to 209 now.

25 MR. LEONCAVALLO: Relating to 209. It's

1 Block -- just to make sure we're in the right
2 vicinity, Block 270, Lot 12.

3 It's a four story dwelling and it's taxed,
4 as the architect said, as a four family. It's
5 surrounded predominantly by, in that area,
6 there's some kind of school structure across the
7 street, but everywhere else it's residential.

8 The zoning considerations.

9 It's an R zone, low density. The zone is
10 aimed at residential uses of three families.

11 The use relief is to allow a four family,
12 as it has been paying taxes as a four unit
13 structure. And the parking relief is -- there's
14 a deficiency of two -- two spaces.

15 We will have, with the new revisions, four
16 spaces for the four dwellings; two inside in a
17 garage on the first floor, and then, the driveway
18 on the outside of that replaced garage door.

19 The planning justifications for relief are
20 it sustains the elements of proof required under
21 the Medici case standard law or case law in New
22 Jersey.

23 Site suitability.

24 The site can accommodate the four units,
25 and it has had the four units for many years.

1 One wasn't being available, but there hasn't
2 been, with the three units, any detriment.

3 They've been taxed, as I said, as a four
4 unit, and the town recognizes this. The spaces
5 for the extra units are roomy, and the new space
6 will have an additional, as the architect said,
7 approximately 30 feet, square feet on -- on the
8 top floor. Provides nice privacy and comfortable
9 living environment in -- in a good area, as I
10 said, that's mostly residential.

11 Special reasons are it can be -- responds
12 to the Planning Board goal of a variety of uses.
13 Can always be used in the city. One bedroom
14 apartments are -- are not as prolific as two
15 bedroom or three bedroom. So there -- there is a
16 need for that for a certain cohort of the
17 population.

18 The -- the application promotes purposes of
19 -- of Land Use Law, the Municipal Land Use Law,
20 New Jersey.

21 Those are to promote general welfare,
22 provide sufficient space for residential uses,
23 such as one bedrooms; aesthetic design; and
24 efficiency of use of -- in the use of the land.

25 Public impacts.

1 The unit is accessible by means of a
2 convenient interior stairway, which is important
3 for safety. The unit will comply with all
4 applicable fire and building codes.

5 And the parking relief is justifiable as an
6 existing condition. And there is also, on the
7 surrounding streets, availability of mass
8 transit.

9 The zoning impacts are the specific piece
10 of land recognizes that it is four family by the
11 -- by the city. The grant of relief is not
12 tantamount to a rezone and does not erode the
13 integrity of the residential zone.

14 So, for those reasons, I would suggest that
15 you provide the approval necessary for this
16 application.

17 MR. SARSANO: Thank you.

18 CHAIRMAN BONACCI: Mr. Sarsano, any other
19 testimony?

20 MR. SARSANO: No, Mr. Chairman.

21 CHAIRMAN BONACCI: Okay.

22 I just need to ask Mr. Spatz a couple of
23 questions.

24 MR. SPATZ: Yes, sir.

25 CHAIRMAN BONACCI: David, if you don't

1 mind?

2 The square footage of the unit in question,
3 I believe the testimony was 530 square feet.

4 MR. SPATZ: Correct.

5 CHAIRMAN BONACCI: How does that apply to
6 the -- is that an allowable square footage for a
7 -- for an apartment?

8 MR. SPATZ: The Ordinance, which this is
9 being reviewed under, which is the prior
10 Ordinance, required a minimum unit size of 550
11 square feet --

12 CHAIRMAN BONACCI: So they're --

13 MR. SPATZ: -- for a one bedroom.

14 CHAIRMAN BONACCI: -- short by 20 --

15 MR. SPATZ: So this is 20,000 -- 20 square
16 feet short.

17 CHAIRMAN BONACCI: Okay.

18 I don't think, and if you guys provided
19 testimony, Mr. Sarsano, I don't remember the
20 square footage of the bedrooms. That would be a
21 question for Ms. Rosas.

22 MS. ROSAS: The square footage of the
23 bedroom will be -- right now, I think it's -- it
24 will be a hundred square feet but, in fact, it
25 can be enlarged because that wall is nonbearing,

1 | so that's a matter of, once we go through the
2 | Building Department, they have their Code
3 | requirements of primary bedroom may be a minimum
4 | of 120 square feet. So, that is something that
5 | can be accommodated --

6 | CHAIRMAN BONACCI: Okay.

7 | MS. ROSAS: -- in our submission to the
8 | Building Department. But right now, which is
9 | using existing walls, but it's easy just to move
10 | it over a bit. It doesn't really -- it's not
11 | fixed.

12 | CHAIRMAN BONACCI: Let me just -- Mr.
13 | Spatz, a hundred square feet bedroom, deficient
14 | also?

15 | MR. SPATZ: I mean, that -- that'd really
16 | be a Building Department issue, but I would
17 | suggest that it might make sense to have this,
18 | since it's a small unit, if it were converted to
19 | a studio, that only requires 400 square feet.
20 | So, as a studio apartment, it would meet the
21 | standard. And maybe since it is smaller, that
22 | might be the way to go with it.

23 | CHAIRMAN BONACCI: Okay.

24 | Mr. Sarsano, just wanted to direct you to
25 | the memorandum from Mr. Spatz. I'm sorry. Not

1 Mr. Spatz's memo, the Building Department memo
2 states that 209 Roosevelt Avenue, Block 270, Lot
3 12 was originally a three unit structure.
4 However, you guys had testified that the tax
5 records indicate that it's being taxed as a four
6 unit structure.

7 Members of the Board questions, because I
8 just want to open up to members of the public.

9 MR. PANEQUE: Before you do that, I -- I do
10 have some clarifications to make and this is
11 going to be questions for Ms. Rosas.

12 Ms. Rosas, I call your attention to your
13 site plan.

14 MS. ROSAS: Yes.

15 MR. PANEQUE: You're showing the ground
16 floor unit as 804 square feet.

17 MS. ROSAS: In fact, I did mention that.
18 The apartment at the rear -- I corrected it. The
19 apartment at the rear is 450 square foot
20 existing. And the -- including the garage gross
21 area, it's about eight hundred and something, the
22 footprint.

23 MR. PANEQUE: Okay.

24 The garage is not part of the apartment,
25 though.

1 Right?

2 MS. ROSAS: No. It's 400 -- do I state
3 there, 450 square feet?

4 MR. PANEQUE: No. You state 804 --

5 MS. ROSAS: Yeah.

6 MR. PANEQUE: -- square feet.

7 MS. ROSAS: It's 450 square -- is that the
8 old version that you --

9 MR. PANEQUE: I --

10 MS. ROSAS: -- have?

11 MR. PANEQUE: It's the only version I have.

12 MS. ROSAS: Well, oh, that's the latest
13 one.

14 MR. PANEQUE: That's the latest one. Yeah.

15 MS. ROSAS: It's 450 square feet apartment.
16 You can see it's half the size.

17 MR. PANEQUE: Okay.

18 So, then, in fact, we're ending up with two
19 nonconforming units, that wouldn't meet the
20 density requirement.

21 Is that correct, Mr. Spatz?

22 MS. ROSAS: Right.

23 MR. PANEQUE: Because that's a -- that's a
24 one bedroom with 450 square feet.

25 MR. SPATZ: Right. Which is -- which is

1 | certainly undersized for a --

2 | MS. ROSAS: Um hum.

3 | MR. SPATZ: -- a one bedroom. But I -- the
4 | Board typically only requires to meet the
5 | standard for the unit that's being legalized.

6 | MR. PANEQUE: Okay.

7 | MR. SPATZ: So, it wouldn't necessarily
8 | retroactively say that it's nonconforming. But
9 | certainly, the new unit that's being legalized is
10 | the one that would need to meet the standard.

11 | MR. PANEQUE: All right. So, the -- you're
12 | correcting this on the record to show that that
13 | unit will be 450 --

14 | MS. ROSAS: Yeah.

15 | MR. PANEQUE: -- square feet.

16 | MS. ROSAS: It is 450. Yes.

17 | MR. PANEQUE: Okay.

18 | I have no further questions.

19 | CHAIRMAN BONACCI: Just want to open up to
20 | members of the public.

21 | Any questions on this?

22 | Mr. Price?

23 | Got to get sworn.

24 | MR. DILLON: Please raise your right hand.

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

1 give this Board is the whole truth?

2 MR. PRICE: I do.

3 MR. DILLON: State your name for the
4 record, please.

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

7 Actually, my first question is, I think, to
8 Mr. Paneque. Is to Mr. Paneque.

9 The usual memo from the Building Department
10 says that this is a three unit building.

11 Correct?

12 MR. PANEQUE: That's correct.

13 MR. PRICE: Okay. Okay. Okay.

14 Okay. Ms. Rosas, okay.

15 You have repeatedly referred to this as a
16 four story building.

17 MS. ROSAS: Um hum.

18 MR. PRICE: Okay. Now, took the usual from
19 Google, and it says -- this is 209 Roosevelt
20 Avenue.

21 Correct?

22 MS. ROSAS: Um hum. Yes. Yes.

23 MR. PRICE: Okay. I count one, two, three
24 floors.

25 MS. ROSAS: It's true, you count three

1 floors, but when you see the rear elevation, you
2 have four levels. Because the apartment doesn't
3 come all the way through, it's not reflected all
4 the way through the front. You do have four
5 levels at the rear.

6

7 (Whereupon, David W. Pressey arrived at
8 6:58 p.m.)

9

10 THE SECRETARY: Allow me one second, Mr.
11 Price.

12 Let the record indicate that Mr. Pressey has
13 joined the meeting.

14 David, please.

15 Sorry I didn't see you.

16 Thank you, Mr. Price.

17 MR. PRICE: In other words, there is a
18 floor on top of --

19 MS. ROSAS: Yes.

20 MR. PRICE: -- this. Do you -- do you have
21 pictures with your application? No?

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

24 MR. PRICE: This is what we're --

25 MS. ROSAS: One, two --

1 MR. PRICE: Wait a minute. This is one.

2 MS. ROSAS: One --

3 MR. PRICE: Two.

4 MS. ROSAS: -- two, three, four. Four.

5 MR. PRICE: This is the fourth floor?

6 MS. ROSAS: Yes. And the fourth goes all
7 the way through the roof. You can't tell, but
8 it's beyond. There's a fourth level there.

9 MR. PRICE: Okay.

10 How high is the building at that roofline?

11 MS. ROSAS: The height? Is it 40 feet?

12 Forty feet at the roofline.

13 MR. PRICE: Forty feet?

14 MS. ROSAS: Yes.

15 MR. PRICE: Okay.

16 Let me -- you know, we're -- we're dropping
17 the testimony from December. So, I would ask you
18 to -- I'm going to ask you to confirm --

19 MS. ROSAS: Um hum.

20 MR. PRICE: -- some numbers that you gave
21 there, that you did not give tonight, because
22 they have to be in the record here. Okay.

23 MS. ROSAS: Um hum.

24 MR. PRICE: Okay.

25 First of all, the site is 23 feet by 88.82

1 feet. And comprises 2,039 square feet.

2 MS. ROSAS: Um hum.

3 MR. PRICE: Okay.

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

6 MS. ROSAS: Yes.

7 MR. PRICE: Yes. Okay.

8 MS. ROSAS: Okay.

9 MR. PRICE: Okay.

10 Okay, the front yard is 22 feet. The rear
11 yard is 22 feet. The -- and the footprint is
12 1,035 square feet.

13 MS. ROSAS: Gross. Yes.

14 MR. PRICE: Okay.

15 And there's a total of 3676 square feet
16 total in the building, including the fourth
17 level.

18 MS. ROSAS: Yes. I -- I have the addition.
19 Yes. I calculate -- all these items are
20 calculated on the plan. So, you could see the
21 first floor plan, is all broken down. Total
22 gross square footage.

23 MR. PRICE: They're not in the transcript.

24 MS. ROSAS: Yes.

25 MR. PRICE: Okay.

1 You are aban -- you're going to retain the
2 garage so that there are going to be parking
3 spaces for four cars; two in the garage --

4 MS. ROSAS: Yes.

5 MR. PRICE: -- and two -- okay.

6 MS. ROSAS: Yes.

7 MR. PRICE: Now, along those -- the garage,
8 as part of your work, have you inspected this
9 property?

10 MS. ROSAS: Yes, I have.

11 MR. PRICE: You've been through the
12 property.

13 MS. ROSAS: Sure.

14 MR. PRICE: Have you been through the first
15 floor?

16 MS. ROSAS: Yes.

17 MR. PRICE: Okay.

18 You've seen the garage?

19 MS. ROSAS: Yes. Yeah. I've seen the
20 garage. Yes.

21 MR. PRICE: Okay.

22 My question, and it's better if you look at
23 -- whatever. But if you look closely at this
24 picture, you see a door here in the garage store.

25 MS. ROSAS: It's -- whatever's there, we're

1 going to conform the way it's shown on the plan.
2 A full garage door, we're removing the hallway,
3 because whatever is there, there were hallways
4 built. There were some -- something that was in
5 -- not conforming. So, we're going to remove
6 that and we are putting back the garage, two car
7 garage.

8 MR. PRICE: But you said it was a garage
9 now. It's not a garage now.

10 Correct?

11 MS. ROSAS: We were trying -- on the
12 previous presentation, the owner wanted me to try
13 to legalize converting the garage to a den, which
14 was not possible. So, I revised the plan and
15 now, we're reinstating the garage. The garage --

16 MR. PRICE: I'm asking --

17 MS. ROSAS: Yes.

18 MR. PRICE: -- you about the present state
19 of the property. Is it a -- you said it was a
20 garage now.

21 MS. ROSAS: Part of my application is to
22 put back the garage.

23 MR. PRICE: Your statement was it is a
24 garage now.

25 It is not a garage now, is it?

1 MS. ROSAS: Well, you -- what you're asking
2 me -- originally, the -- the owner wanted me --
3 let me explain.

4 There was some illegalities done with this
5 building, I think, and that's the reason there
6 was probably a violation or something. So here,
7 I'm hired to try to fix it, make a correction
8 from the top to the bottom.

9 Okay?

10 CHAIRMAN BONACCI: Right.

11 MS. ROSAS: We don't do partial correction.

12 CHAIRMAN BONACCI: Yeah. No, no. I
13 understand. As -- as -- in regards to the garage
14 --

15 MS. ROSAS: Um hum.

16 CHAIRMAN BONACCI: Right now, it's being
17 used as a garage or something else?

18 MS. ROSAS: No. They build -- they have
19 finished the garage into a room. And the owner
20 had asked me, if we're going to go through this,
21 can you try to do a conversion from a garage to a
22 den? I said, we can try.

23 CHAIRMAN BONACCI: Is that part --

24 MS. ROSAS: And base --

25 CHAIRMAN BONACCI: -- of the application,

1 too?

2 MS. ROSAS: Based on the last meeting, that
3 was not going to be possible.

4 CHAIRMAN BONACCI: So that's out.

5 MS. ROSAS: So, it's completely out.

6 CHAIRMAN BONACCI: Okay.

7 MS. ROSAS: We resubmitted, and I put in
8 plan --

9 CHAIRMAN BONACCI: That it's garage.

10 MS. ROSAS: -- a two car garage. And
11 that's what we plan to do.

12 CHAIRMAN BONACCI: Gotcha.

13 MS. ROSAS: A two car garage.

14 CHAIRMAN BONACCI: So, you guys --

15 MS. ROSAS: The den is out.

16 CHAIRMAN BONACCI: So currently, the den --

17 MS. ROSAS: Will be removed.

18 CHAIRMAN BONACCI: The garage is being used
19 as a den.

20 MS. ROSAS: Yes.

21 CHAIRMAN BONACCI: Illegally.

22 MS. ROSAS: Illegally.

23 CHAIRMAN BONACCI: But you guys plan on
24 making that a two car garage again.

25 MS. ROSAS: Reinstate. Re-putting (sic) it

1 back. Yes.

2 CHAIRMAN BONACCI: Does that have any
3 bearing on the number of parking spots that
4 you're going to provide on the site?

5 MS. ROSAS: No. I do count it in. We have
6 two parking spaces inside the garage and two in
7 the open space. It will be a total of four.

8 CHAIRMAN BONACCI: Okay.

9 So, currently, with the den, there's only
10 two. When you turn the den back into a garage
11 again --

12 MS. ROSAS: Be four.

13 CHAIRMAN BONACCI: -- you'll have four.

14 MS. ROSAS: Exactly.

15 CHAIRMAN BONACCI: And you'll only be
16 deficient two parking spots.

17 MS. ROSAS: And this -- you know, if -- if
18 these drawings get approved, we'll go further to
19 the Building Department, and that's where we take
20 care of all the matters too -- put back.

21 CHAIRMAN BONACCI: Yeah. I just wanted to
22 make sure that, for Larry's purposes, his
23 question was answered as --

24 MS. ROSAS: Yes.

25 CHAIRMAN BONACCI: -- to what the garage is

1 being used as right now.

2 Mr. Price, it's being used as a den. So,
3 that's on --

4 MR. PRICE: Okay.

5 CHAIRMAN BONACCI: -- record.

6 MR. PRICE: It's not being used as a garage
7 currently. That's okay.

8 CHAIRMAN BONACCI: Yup.

9 MS. ROSAS: Um hum.

10 MR. PRICE: By the way, what would you
11 legalize the -- what will be the parking
12 deficiency?

13 MS. ROSAS: Based on the analysis, two.

14 MR. PRICE: No.

15 CHAIRMAN BONACCI: You need six spots --

16 MS. ROSAS: Deficien --

17 CHAIRMAN BONACCI: -- there.

18 Right?

19 MR. PRICE: No. You need eight.

20 CHAIRMAN BONACCI: They need eight.

21 MR. PRICE: Four.

22 CHAIRMAN BONACCI: So, they'll be down four
23 spots.

24 MR. PRICE: The parking deficiency --

25 CHAIRMAN BONACCI: Will be four.

1 MR. PRICE: -- is four, variance.

2 CHAIRMAN BONACCI: Okay.

3 MS. ROSAS: Okay.

4 MR. PRICE: Okay.

5 So, the -- the one bedroom on the ground
6 floor will remain as -- as is, I guess. And
7 that's 451 square feet.

8 MS. ROSAS: It's existing condition. Yes.
9 Originally, it was built that way. Yes. It will
10 remain as is. Yes.

11 MR. PRICE: Four hundred and fifty-one --

12 MS. ROSAS: Yes.

13 MR. PRICE: -- square feet.

14 Okay. Okay.

15 Very good.

16 Thank you.

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

19 Okay.

20 Closed to the public.

21 Mr. Sarsano, I just want to point out, just
22 to --

23 MR. PRICE: Oh, are you going to take
24 comments from the public, too, or -- I have a
25 comment, just --

1 CHAIRMAN BONACCI: Yeah. I just wanted to

2 --

3 MR. PRICE: Okay.

4 CHAIRMAN BONACCI: -- make sure, before I
5 close it to the public --

6 MR. PRICE: Oh, oh.

7 CHAIRMAN BONACCI: -- that there's no other
8 -- did you have something else to add?

9 MR. PRICE: Yeah.

10 CHAIRMAN BONACCI: All right.

11 MR. PRICE: Just a comment --

12 CHAIRMAN BONACCI: Yeah.

13 MR. PRICE: -- which is, this is a dreadful
14 application. It's an undersized lot. You know,
15 it's -- you know, it's a prohibited use. They
16 need a D-1 use variance. You know, it's -- you
17 know, and there's always the thing of you're
18 rewarding illegal use when you approve something
19 like this. This is not an application that's --
20 and, in fact, this site can't even take -- it's a
21 small building. It's a small lot. And to put --
22 to cram four units onto there, it's really
23 inappropriate.

24 Okay.

25 Thank you.

1 CHAIRMAN BONACCI: Thank you.

2 MS. GUTIERREZ: Thank you, Mr. Price.

3 CHAIRMAN BONACCI: Closed to members of the
4 public.

5 Mr. Sarsano, just to review a few things
6 here.

7 The four unit -- four unit buildings, in
8 general, are prohibited in the R zone. And
9 although your testimony had included that the
10 site was taxed as four units, and that most of
11 the deficiencies in the application are
12 preexisting, I feel that if that's the issue
13 that's paramount to your applicant, that probably
14 would be better raised with the Tax Department,
15 just to make sure that it's getting taxed
16 appropriately.

17 But since I've been the Chairman of this
18 Board, we don't -- we don't legalize attics that
19 become converted into apartments, just because of
20 the issue of the safety hazards.

21 And this being such a densely populated
22 area, not to mention that I'm sure you have
23 neighbors that have attics, too, that they can
24 also convert into a -- a living dwelling. And if
25 we open up that Pandora's Box, this application

1 might be deficient four parking spaces, but then
2 if we go ahead and multiply the whole
3 neighborhood by being four parking spaces
4 deficient, then we have an even bigger parking
5 problem in this area, not to mention all the
6 safety hazards that were previously mentioned.

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

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

11 MS. GUTIERREZ: I'm seconding.

12 THE SECRETARY: Seconded by Ms. Gutierrez.

13 Roll call on the motion to deny this
14 application.

15 Mr. Bonacci?

16 CHAIRMAN BONACCI: 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: Ms. Pena?

24 MS. PENA: Yes.

25 THE SECRETARY: Mr. Cetinich?

1 MR. CETINICH: Yes.

2 THE SECRETARY: Ms. Watley?

3 MS. WATLEY: Yes.

4 THE SECRETARY: Seven in favor.

5 Motion carries.

6 The application has been denied.

7 MR. SARSANO: Oh. Thank you.

8 THE SECRETARY: Thank you, Mr. Sarsano.

9 CHAIRMAN BONACCI: Thank you, guys, for
10 your time.

11 MS. GUTIERREZ: Thank you.

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

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1 **1401-1407 New York Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 1401-1407 New York Avenue.

5 Mr. Paneque, please?

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

7 For the record, I have received a phone
8 call from the applicant's attorney, Gerard
9 Pizzillo, who indicated that he just had surgery
10 and was unable to be here this evening.

11 In addition to that, he was having issues
12 having his planner also be present. So, even if
13 he could be here, he was going to be requesting
14 an adjournment.

15 However, his medical condition does take
16 precedent and that is the reason he's asking that
17 the matter be carried to the next meeting of
18 February 13th.

19 CHAIRMAN BONACCI: Make a motion to adjourn
20 this until February 13th.

21 THE SECRETARY: No new notice required.

22 Motion on the --

23 MS. GUTIERREZ: I'm seconding.

24 THE SECRETARY: -- table to adjourn this
25 application for February 13, 2020 by Mr. Bonacci.

1 Roll call on the motion.

2 Second by Ms. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Roll call on the motion.

5 Mr. Bonacci?

6 CHAIRMAN BONACCI: Yes.

7 THE SECRETARY: Ms. Gutierrez?

8 MS. GUTIERREZ: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Mr. Pressey?

12 MR. PRESSEY: Yes.

13 THE SECRETARY: Ms. Pena?

14 MS. PENA: Yes.

15 THE SECRETARY: Mr. Cetinich?

16 MR. CETINICH: Yes.

17 THE SECRETARY: Ms. Watley?

18 MS. WATLEY: Yes.

19 THE SECRETARY: Seven in favor.

20 Let the record indicate that this

21 application has been adjourned for February 13.

22 Thank you.

23 MR. PANEQUE: Mr. Vallejo, I'm just going

24 to make an announcement for the public.

25 If anyone in the public is here on 1401-

1 1407 New York Avenue, as you've heard, this
2 application has been carried to the February 13th
3 meeting.

4 No further notices will be required, so you
5 will not be receiving any new notices. If you
6 are here on that application, make sure you're
7 back on the 13th.

8 Thank you.

9 CHAIRMAN BONACCI: Same bat time; same bat
10 channel.

11 THE SECRETARY: Thank you, sir.

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

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1 **111 35th Street, LLC - 111 35th Street:**

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3 (Whereupon, Vice Chairman Victor M. Grullon
4 returned to the dais.)

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6 THE SECRETARY: Next application on
7 tonight's agenda, 111 35th Street, LLC.

8 Mr. Alonso, please?

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

11 Once again, Alvaro Alonso, on behalf of the
12 applicant.

13 I'm going to provide Mr. Paneque with my
14 proof of publication and notices at this time.

15 MR. PANEQUE: All right.

16 For the record, I've been provided by Mr.
17 Alonso with the following documents:

18 I've been provided with the certified mail
19 receipts, with a postmark date from the post
20 office of December 28th, 2019.

21 I've also been provided with a Affidavit of
22 Publication from The Jersey Journal, indicating
23 that notice of tonight's hearing, with respect to
24 111 35th Street, was published on The Jersey
25 Journal on December 28, 2019.

1 Said notice indicates that the application
2 will be heard tonight at six p.m. at this
3 location, with respect to the property in
4 question.

5 I've also been provided with a copy of the
6 notice that went out to all property owners
7 within the 200 foot radius, indicating that the
8 hearing would be held tonight, at six p.m., this
9 location, with respect to the property in
10 question.

11 I've also been provided with an Affidavit
12 of Service from the office of Mr. Alonso, which
13 is signed by Mr. Alonso and it's notarized by
14 public notary Monica Cardenas.

15 I've also been provided with a list of all
16 property owners within the 200 foot radius of
17 111-113 35th Street. Said list was provided by
18 the Tax Assessor on December 13, 2019, and
19 consists of five pages.

20 Based on the documentation that has been
21 provided, this Board has jurisdiction to proceed
22 and hear this matter.

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

24 Members of the Board, for those of you who
25 have been around for awhile, you may recall this

1 application. We presented this back in November
2 and December of 2018.

3 It was a -- an application for a
4 subdivision to create three new lots and
5 construct three, three family homes. It's the R
6 zone. It's a permitted use. We needed a height
7 variance. A D-6 variance is what gave the Board
8 jurisdiction. We also needed some associated
9 bulk variances, or C variances.

10 The Board approved the application in
11 January of 2019, adopted the memorializing
12 Resolution. That was appealed in the Superior
13 Court.

14 At the time that the application was
15 presented, we did not present testimony from a
16 planner. The matter was remanded back, by the
17 court, to this Board, so we could present
18 testimony, planning testimony, to justify the
19 grant of the variances. So, we have a planner
20 here.

21 We also have -- our architect is here,
22 also, because I believe that there may be some
23 new Board members, or Board members who were not
24 present at the time that the application was
25 actually heard.

1 So, we're going to start the application
2 new with Mr. Pereiras, who's going to be
3 testifying.

4 CHAIRMAN BONACCI: Mr. Alonso, just because
5 I just wanted to update members of the Board, and
6 put a few things on record.

7 MR. ALONSO: Sure.

8 CHAIRMAN BONACCI: Because I read earlier
9 this week, the letter that was submitted by Judge
10 D'Elia.

11 Did I get the name, --

12 MR. ALONSO: Yes.

13 CHAIRMAN BONACCI: -- right?

14 MR. ALONSO: Yes.

15 CHAIRMAN BONACCI: Okay.

16 So, Judge D'Elia vacated the decision of
17 this Board to grant the application. And just to
18 refresh my memory, I went back and I read the
19 transcripts because we heard this, I believe it
20 was December of 2018. So, it was a little bit --
21 you know, far removed from where we're currently
22 at. So, I went back just to review the decisions
23 and what we had said that night.

24 Now, Judge D'Elia, in his letter, said a
25 few things that I didn't agree with so much. So,

1 I just want to state that on record, just in case
2 -- you know, any kind of information gets back to
3 the judge. Made a decision that our decision,
4 which was to approve the application, was
5 arbitrary and capricious.

6 He also provided some case law. And in
7 that case law, the same judge basically supported
8 the theory that as a municipality, we're in a
9 better position to make these decisions in Union
10 City, than a Superior Court would be. So, that
11 kind of contradicts itself.

12 And although I vehemently disagree with the
13 judge's decision, as that being arbitrary and
14 capricious, because I believe that if you were to
15 go back and read the testimony, you would see
16 that we carefully -- you know, listened to
17 testimony, as we do on most applications.

18 But I do respect that the community or
19 members that are here of the community have a
20 right to disagree with our decisions, and
21 exercise their civic duty to go further with it.

22 So, in the spirit of that, I would suggest
23 that -- you know, we hear these things again, and
24 get the testimony that we need from the planner,
25 just so we can make everybody happy.

1 MR. ALONSO: Very well.

2 CHAIRMAN BONACCI: And I would like to
3 apologize to your applicant, who received the
4 approval from us, and now it's been 12 months,
5 and he can't really do much.

6 MR. ALONSO: Right.

7 CHAIRMAN BONACCI: Because the judge
8 vacated the decision. So, my apologizes to your
9 applicant, and I hope we can clear all this up so
10 you guys can move on with this.

11 MR. PANEQUE: Mr. Alonso, before we
12 proceed, there are Board members here this
13 evening that were not part of the Board when this
14 application was heard in 2018.

15 Just so that the record is clear, these
16 Board members have actually signed certifications
17 indicating that they have read the transcripts
18 from the prior proceeding.

19 However, it's my understanding that
20 tonight, not only do you intend to bring up a
21 planner, but you also intend to bring up your
22 architect and present the application for the
23 benefit of these Board members, so that they're
24 hearing it from the architect's perspective.

25 MR. ALONSO: That -- that is correct.

1 And that's really to supplement the
2 testimony that was previously presented, which I
3 believe, as Mr. Bonacci has indicated, that the
4 record was clear and -- and full, and -- and they
5 were warranted in -- in granting the application.

6 So, really, Mr. Pereiras is here, in order
7 to supplement the testimony, but for the benefit
8 of the Board members who were not here, so that,
9 in making a decision, it's not just based on the
10 reading of a transcript, sometimes it gets a
11 little lost in the --

12 CHAIRMAN BONACCI: Lost in translation.

13 MR. PANEQUE: Okay.

14 MR. ALONSO: Lost in the translation. So,
15 he's here, and also Mr. Leoncavallo, who is our
16 planner, is also going to testify.

17 MR. PANEQUE: Okay.

18 And just so that as a matter of
19 housekeeping, I do have in my possession
20 certifications that have been signed by the
21 following Board members: Mr. Cetinich, Ms. Watley
22 and Ms. Pena.

23 Okay?

24 So, these Board members have certified that
25 they have read the previous transcripts, they are

1 familiar with what transpired in 2018. And they
2 will also have the benefit of having your
3 presentation this evening, so that a vote can be
4 taken with all the information provided to the
5 Board.

6 MR. ALONSO: Thank you very much.

7 And by way of background, the Board may be
8 aware, I'm sure you're aware that the City has
9 adopted a new Zoning Ordinance. And the new
10 Zoning Ordinance not only reaffirms that the
11 three families are permitted in the zone, which
12 is what we're proposing, but in fact, has even
13 improved the requirements.

14 So, whereas, when we filed this
15 application, the height permitted was 40 feet,
16 now it's 45 feet, which eliminates our D-6 height
17 variance. However, we're here because of what's
18 called the time of application rule. So, we're
19 bound by the prior Ordinance, but the conditions
20 have actually improved in our favor. So from a
21 zoning perspective, in terms of meeting the
22 proofs, it actually gets better for us.

23 So with that said, I have Mr. Pereiras.

24 MR. DILLON: Please raise your right hand.

25 Do you swear the testimony you're about to

1 give this Board is the whole truth?

2 MR. PEREIRAS: I do.

3 Manny Pereiras, P-E-R-E-I-R-A-S, with
4 Pereiras Architects Ubiquitous, 1116 Summit
5 Avenue, Union City.

6 MR. DILLON: Thank you.

7 MR. ALONSO: Okay.

8 CHAIRMAN BONACCI: We're familiar with his
9 work.

10 MR. ALONSO: Thank you.

11 Thank you very much.

12 And Mr. Pereiras --

13 MR. PEREIRAS: Thank you.

14 MR. ALONSO: -- you were the architect who
15 testified at the original application in November
16 and December of 2018.

17 Correct?

18 MR. PEREIRAS: I was.

19 MR. ALONSO: Okay.

20 And the Board has either -- they were
21 either present for the hearings or read the --
22 the transcripts, and have certified such, but I'm
23 going to ask you just to give us an overview of
24 what we're proposing.

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

1 And what the transcripts failed to say is
2 that we have been working on these drawings for
3 literally years now with the community, with
4 members that live on the block, with the
5 applicant to really tweak this and make this the
6 right building that fits the community, and it's
7 what Union City is looking for.

8 And one of the tools that we had in order
9 to do that was that the Master Plan and the
10 Reexamination of the Master Plan was already
11 issued when we were preparing and designing this
12 project.

13 So, we really catered these drawings to
14 that, what is in, in fact, today the Ordinance.
15 And -- and this project complies overwhelmingly
16 with -- with those requirements.

17 We are located on 35th Street, on the south
18 side of the 100 block. That's right off of Park
19 Avenue. If you look at the corner of Park and
20 35th, you have the restaurant that was -- it's
21 closed down right now. It was Zona Libre for
22 those of us who've been here for a while; it used
23 to be the Park Avenue Bar and Grill. And we're
24 the property immediately to the west of that,
25 which is currently a masonry building that is a

1 garage, basically.

2 I am walking over to the easel and this
3 easel has the same drawings that were submitted
4 to the Board up on the easel, with no changes.

5 We could see the Union City tax map that
6 shows its location. This is 35th Street. This is
7 Park Avenue. And what we can tell is that we
8 have an irregular lot. It's wider along the back
9 than it is along the front of the property.

10 And what we did, and what we propose to do,
11 what we propose to do is to split the property
12 along the equal dimensions along the -- along 35th
13 Street. So, we split it into three equal parts,
14 which gives us a frontage of each lot that's
15 23.39 feet on each of the three of them.

16 On the rear, it varies. We have an
17 extremely wide lot that's 30.67 for this first
18 one. And then we have 23.39 and 23.38 along the
19 back of these other two. So, these are pretty
20 close to rectangular, and then this one has a
21 skew.

22 What we propose to do, in order to create a
23 nice setback from each of the properties, is to
24 push the buildings on its easterly side, so that
25 the building is just a few inches away from its

1 easterly property line. And that allows us to
2 have a full three foot one inch setback on each
3 -- towards the west of each of the three
4 properties, so that we're separated from the
5 adjoining property.

6 We're also creating a front yard setback of
7 five feet. The -- the restaurant is actually on
8 the property line. The building to the -- the
9 residential building to the east is actually on
10 the property line, because it has a porch and
11 goes back. But we took the conservative approach
12 of giving a five foot front yard setback for
13 several reasons.

14 Number one.

15 We always think of safety. We wanted to
16 make sure that cars coming out of this driveway
17 have the opportunity to look at the sidewalk, and
18 look at pedestrians coming across before they
19 immediately go onto the sidewalk. So, we created
20 that five foot setback.

21 And then, additionally, we wanted to
22 introduce some landscaping. We wanted to make
23 this beautiful. So, we created small landscaping
24 berms, where we could have some plants, some
25 flowers on each side of the doorways, the entries

1 to the apartments. And that's done in that five
2 foot front yard setback.

3 The rear yard, we're proposing a five foot
4 rear yard setback. While that is a variance in
5 this application, currently, as we know, today's
6 Ordinance, that is accepted. We have a five foot
7 requirement in today's Ordinance. At the time of
8 this application, it was 25 percent of the -- of
9 the lot's depth. And therefore, we have a
10 variance that we're seeking here.

11 We're also seeking a variance for the side
12 yard setback.

13 The first level of our proposed three
14 families is dedicated exclusively to parking. We
15 took the floor plan that was provided in the
16 Union City Master Plan, and we directly used it
17 on our site; where we have cars that are in
18 tandem, spots one and three for one apartment,
19 spots two and four for another apartment, and
20 spots five and six for the third apartment. And
21 they all have access through this -- the garage.

22 We created a small lobby, with an elevator,
23 and then we created two means of egress, vertical
24 means of egress for the building. One stair that
25 dumps out to here on the east -- on the westerly

1 side. And one that dumps out on the rear.

2 We also provided an additional means of
3 egress from the garage along the side, the
4 westerly side, as well as being able to come from
5 the garage into the lobby of the building.

6 If you take the stairwell or the elevator
7 up to the floors above, you have three equal
8 floor plates of apartments. Each of them are
9 three bedroom apartments. You enter and come out
10 of the elevator into a large living room, dining
11 room, kitchen area. And that -- that leads you
12 to a more private portion of the house, where you
13 have two bedrooms, plus a master bedroom suite,
14 with its own walk-in closet and bathroom.

15 And this is the same exact floor plan on
16 all the levels. We have a blind side, along the
17 property line, and then we have the three foot
18 one side, where we have all our windows on that
19 side.

20 The site is relatively flat. And what we
21 propose to do is, in the portions that are
22 visible along the front, we propose to do a brick
23 façade. We love brick in Union City. And we
24 created this design, which is a combination of
25 brick with simple accents of Alucobond metal

1 panels, or fiber cement panels, whatever we find
2 appropriate at the moment that looks similar to
3 this rendering.

4 And just for purposes of the record, I have
5 a three dimensional computer rendering of the
6 project.

7 Would you like me to label that?

8 MR. ALONSO: Sure.

9 We're going to mark this first as A-1. And
10 this is your color rendering?

11 MR. PEREIRAS: It is.

12 For the record, I am marking the top -- the
13 back top right hand corner as A-1. And I am
14 putting today's date, which is 1/9/20.

15

16 (Whereupon, Color Rendering was received
17 and marked as Exhibit A-1.)

18

19 MR. PEREIRAS: And on this, we could see
20 the setback that we have, the landscaping that we
21 have on the corners of the building, and on both
22 sides of the door. We see how the entryway for
23 the lobby is -- is glass and very clear. We see
24 the garage doors that we're providing. And we
25 see the brick façade, with the accentive (sic)

1 (phonetic) panels.

2 Notice the largeness, how large the windows
3 are. We're really bringing light into this
4 space. And it fits into the character of the
5 neighborhood. It's four stories, as predicted in
6 the Master Plan and what is currently the
7 Ordinance for the City.

8 And is there something I missed?

9 MR. ALONSO: No. I think that's a pretty
10 good, thorough summary --

11 MR. PEREIRAS: Okay.

12 MR. ALONSO: -- of your prior testimony.

13 CHAIRMAN BONACCI: My question, Mr. Alonso,
14 is Manny testifying as the architect or the
15 planner?

16 MR. PEREIRAS: I'm test --

17 MR. ALONSO: Architect.

18 CHAIRMAN BONACCI: Right.

19 MR. ALONSO: And I have a --

20 CHAIRMAN BONACCI: Just like last time.

21 MR. ALONSO: Yes. I have a planner.

22 CHAIRMAN BONACCI: Okay.

23 MR. PEREIRAS: Um hum.

24 CHAIRMAN BONACCI: All right. Okay.

25 MR. PEREIRAS: Great.

1 CHAIRMAN BONACCI: I guess, like we did in
2 the last application, if we have a question for
3 --

4 MR. PEREIRAS: I'll be here.

5 MR. ALONSO: All right.

6 Mr. Leoncavallo?

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

9 MR. ALONSO: Mr. Leoncavallo was qualified
10 in the last application. I would ask that his
11 qualifications be accepted in this application,
12 as well.

13 CHAIRMAN BONACCI: We accept his --

14 MR. ALONSO: Thank you.

15 (Whereupon, John Leoncavallo, Professional
16 Planner, was previously sworn and testified.)

17 MR. ALONSO: Okay. He's -- does he get
18 sworn again?

19 CHAIRMAN BONACCI: Yeah. He's still under.

20 MR. PANEQUE: Yes.

21 CHAIRMAN BONACCI: Okay.

22 MR. ALONSO: Still -- still under? Okay.

23 Mr. Leoncavallo, you prepared an analysis
24 with respect to this application.

25 Correct?

1 MR. LEONCAVALLO: Yes, I have.

2 MR. ALONSO: And I'm going to ask you to
3 review that, to justify the granting of the
4 variances at this time.

5 MR. LEONCAVALLO: Certainly.

6 Just a quick review, so we're all on the
7 same page.

8 There's three parcels. It's Block 208,
9 Lots 44, 45, and 46. And developed --
10 nonconforming residential use. The -- the thing
11 is here, we're making it more conforming for the
12 -- for the residential zone. I don't think we
13 can ask more than that.

14 The surrounding area is predominantly
15 residential. They're low rises and small lot
16 developments.

17 The subdivision was made, I -- I assume, of
18 three lots, which the architect talked about, and
19 they'll have brand new three family dwellings on
20 each lot.

21 The zoning considerations are the current
22 use is not permitted, as I just said. And the
23 proposed use is a permitted use of three
24 families, and also, the Council has changed that,
25 as Mr. Alonso said, to a new Zoning Ordinance.

1 The zoning relief is D, D relief for
2 height, which is D-6. It applies to each lot for
3 45 feet versus the old standard of 40 feet.

4 The C relief is for bulks. Applies to each
5 lot, lot dimensions, yard dimensions, coverage.
6 The numeric relief in each lot is different, but
7 the categories are all obviously the same.

8 The justifications for the D variance, D --
9 the D-6 is the height relief that exceeds ten
10 percent of the maximum allowed height is -- is a
11 D-6, under the Municipal Land Use Law. The
12 application passes under the general case law
13 test, which is Grasso, for the D-6 height relief.

14 The positive criteria is that the
15 application moves the site more towards a
16 conforming use with the zone plan. Very
17 important. The application replaces the
18 discordant land use with the use that is
19 permitted, that is visually more acceptable and
20 functional. Very important also.

21 The application promotes neighborhood
22 harmony with residential uses in a residential
23 zone, to be more compatible with the -- the goals
24 of the Master Plan.

25 The project promotes the planning goal for

1 new housing stock, which is much needed, or in
2 the Union City stock is -- is getting old. And
3 not dilapidated, but some -- some of the housing
4 stock is in the transition area, for better, more
5 new housing stock.

6 The project also promotes aesthetics,
7 efficient use of land, variety of housing
8 options, which are three family, on separate lot
9 for each, giving air, light and open space.

10 And it promotes the purposes of the
11 Municipal Land Use Law, especially general
12 welfare, under A; sufficient space for
13 residential uses, under G; aesthetic design,
14 under I; and efficient use of land by both
15 private and public sources, under M.

16 The negative criteria.

17 None of the Grasso purposes of height
18 control are violated, in my estimation. The
19 height added is just a foot, which is de minimis.
20 And the visual impact is really negligible when
21 you're looking at it from the streetscape.

22 The added height does not create additional
23 population density; does not block scenic views;
24 does not create any negative shadows, which are
25 some of the Grasso purposes.

1 And it gives the property an -- and does
2 not give the property an unfair height advantage
3 over any other property.

4 The height does not impair the zone plan.
5 The Master Plan actually recommends the increase
6 height to 45 feet, which as the architect talked
7 about, had access to this in the preparation of
8 plans and -- and went forward with that.

9 The height conforms to the Master Plan
10 recommendation, which is on the plans.

11 MR. ALONSO: And it actually conforms to
12 the new height requirement, which is 45 feet.

13 MR. LEONCAVALLO: That's correct.

14 MR. ALONSO: Even though we're going under
15 the old Ordinance.

16 MR. LEONCAVALLO: Yes, sir.

17 MR. ALONSO: Okay.

18 MR. LEONCAVALLO: The justifications for C
19 relief all bulk -- all relief is justified under
20 the C-2 balancing test. The benefits of the
21 application as a whole outweigh the detriments.
22 You can see that when you look at the plans, when
23 you look at the 3D picture that has been prepared
24 by -- by the architect. It's a -- actually, a
25 very good looking building, fits in very well

1 with what's there now, exceptionally well, I
2 might add.

3 The detriments avoided are the variance
4 meets Master Plan recommendations, except for
5 side yard. Side yard complies with the Building
6 Code, however, and provides adequate light, air
7 and open space. So, it's -- it's acceptable from
8 that point of view.

9 The homes are not oversized, and typically,
10 of new construction, as you can see, three family
11 homes.

12 The lots are not substantially different
13 from what is established in the neighborhood,
14 which is a very accessible and attractive
15 neighborhood.

16 My conclusions are the application is
17 obviously making a significant investment to
18 reconcile a zoning disconnect that was made years
19 and years ago.

20 The infill development will bring the site
21 more in line with the zone scheme and will be
22 functional, as well as visually accessible and it
23 will stand out.

24 All relief is satisfied under the statutory
25 -- statutory criteria for the granting of the

1 relief.

2 And I respectfully request that you approve
3 the application.

4 MR. ALONSO: Thank you.

5 Now, Mr. Leoncavallo, just -- just to be
6 clear, you reviewed the -- the plans that were
7 prepared by the architect.

8 Correct?

9 MR. LEONCAVALLO: Yes.

10 MR. ALONSO: And you looked at his zoning
11 table.

12 Is that correct?

13 MR. LEONCAVALLO: Yes. I have it right
14 here.

15 MR. ALONSO: Okay.

16 And all the -- the C or the bulk relief
17 that you testified to addresses each of those
18 items.

19 Is that correct?

20 MR. LEONCAVALLO: Yes.

21 MR. ALONSO: Okay.

22 Just for the record, can you just cite what
23 they are, just to be clear?

24 MR. LEONCAVALLO: The other two --

25 I can. Yes, I can.

1 The bulk relief for 44 and 45, Lots number
2 44 and 45, the lot area is two hundred and -- 300
3 -- 2,238 square feet versus the 2500. It's
4 similar to the historic plotting, and it's on
5 each of the -- of the lots in the Lot 44 and 45.

6 The lot width is the same, also. It's
7 similar to the historic plotting of the three
8 lots that are there, as proposed.

9 Side yard setback combined is three feet
10 versus five feet. This meets the Building Code.

11 The rear yard setback is less than five
12 feet clear and unobstructed. This meets the
13 Building Code.

14 Building stories is four versus three.
15 Facilitates better living environment, more
16 spacious and meets the Master Plan document.

17 Building height is 45 feet versus 40. Same
18 as above, meets the Master Plan document.

19 The building coverage is 76.98 percent
20 versus 60 percent, which again meets the Master
21 Plan document.

22 And the lot coverage, which is 99.1 percent
23 versus 85 percent, meets the Master Plan
24 document.

25 Relief from the Lot 46 is the lot width is

1 23.98 versus 25 feet. It's historically platted,
2 as were the other two lots.

3 Side yard is a combined three feet versus
4 the five feet. Meets the Building Code.

5 Rear yard is less than five percent clear
6 and is unobstructed and meets the Building Code.

7 Stories are four. Facilitates better
8 living environment, more space, and meets the
9 Master Plan document.

10 And the last two aspects; building height
11 is 45 feet, meets the Master Plan document, also,
12 as above for 44 and 45. And building coverage is
13 65.58 percent, in this case, and meets the Master
14 Plan document.

15 MR. ALONSO: Thank you very much.

16 I have no further questions.

17 CHAIRMAN BONACCI: And with that --

18 MR. ALONSO: I have no further --

19 CHAIRMAN BONACCI: -- you have the
20 testimony --

21 MR. ALONSO: I have no further witnesses.

22 CHAIRMAN BONACCI: -- of the planner.

23 MR. ALONSO: That's correct.

24 CHAIRMAN BONACCI: No more witnesses.

25 Right?

1 MR. ALONSO: No more witnesses.

2 CHAIRMAN BONACCI: Members of the Board?

3 Okay.

4 Before I turn it over to the public, I
5 remember from -- because I just briefly read the
6 transcripts from the last time that you presented
7 it, that we approved it, hardship was raised with
8 regards to one of the variances.

9 MR. ALONSO: Correct. We -- we --

10 CHAIRMAN BONACCI: We recognize the -- the
11 hardship and then we made two motions. One was
12 to subdivide. The other one was to grant the
13 use.

14 MR. ALONSO: Correct.

15 But we're not seeking relief for the
16 hardship any -- any longer.

17 CHAIRMAN BONACCI: Right.

18 MR. ALONSO: That's the C-1 standard.
19 We're not seeking relief from the C-1. We are
20 only seeking relief under the C-2, as testified
21 by Mr. Leoncavallo.

22 CHAIRMAN BONACCI: Thank you for your
23 testimony.

24 MR. LEONCAVALLO: You're welcome.

25 MR. ALONSO: But correct, we need to --

1 CHAIRMAN BONACCI: One motion this time.

2 MR. ALONSO: We need to subdivide and we
3 need to -- then the site plan --

4 CHAIRMAN BONACCI: Perfect.

5 MR. ALONSO: -- and the variances.

6 CHAIRMAN BONACCI: So, it still kind of
7 would be like two motions, for the purpose of --

8 MR. ALONSO: Correct.

9 CHAIRMAN BONACCI: -- approving it the
10 right way.

11 MR. ALONSO: Correct.

12 CHAIRMAN BONACCI: So that you don't have
13 to go through it again.

14 Members of the public?

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

17 MR. PRICE: I'm still Larry Price, and I'm
18 still under oath.

19 Okay. First, a problem. Okay. I will
20 read from Cox, and this is Section 42-3.1,
21 Notice. Okay.

22 Where an appeal has been taken to the
23 Superior Court, and the Court has remanded the
24 matter to the municipal agency for further
25 considerations, all persons who are entitled to

1 receive notice pursuant to the provisions of
2 ump te ump (phonetic) and ump te ump must get
3 notice of the hearing on remands.

4 Okay. The first ump te ump is the
5 applicant. The second one is the appellant,
6 that's me. I was entitled to notice. Mr. Alonso
7 failed to do so. So, there's a defective notice
8 on this that -- you know, okay.

9 I make that on the record. You got that.
10 Whatever.

11 I'm entitled -- I'm -- you know, I'm not
12 here as a member of the general public on this
13 one. I'm a litigant. A successful -- as they
14 say, prevailing litigant.

15 I was entitled to notice so that I could
16 prepare for this hearing. Mr. Alonso did not do
17 so. Okay?

18 CHAIRMAN BONACCI: Right. You're here
19 because you challenged the first decision.

20 MR. PRICE: Yes.

21 CHAIRMAN BONACCI: Which -- you know,
22 that's what you do, Larry. We wouldn't expect to
23 do anything but that.

24 MR. PRICE: Correct.

25 CHAIRMAN BONACCI: We don't want you to not

1 | be Larry Price anymore.

2 | MR. PRICE: Yes.

3 | CHAIRMAN BONACCI: I just wish you were on
4 | this side of the peanut gallery, because we could
5 | use a guy like you.

6 | MR. PRICE: Yes. I'll tell you a story off
7 | --

8 | CHAIRMAN BONACCI: So, for the record --
9 | you know?

10 | MR. PRICE: -- the record some time about
11 | that.

12 | CHAIRMAN BONACCI: We --

13 | MR. PRICE: But anyway.

14 | CHAIRMAN BONACCI: We appreciate what you
15 | do.

16 | MR. PRICE: Okay.

17 | CHAIRMAN BONACCI: And for the record --
18 | you know, we would love it if you would just come
19 | and join the fun on this side, because -- you
20 | know, you're a smart guy, Larry, and we respect
21 | you. And we could use your knowledge on this
22 | side to make the town better.

23 | But if you like to do it from that side --
24 | you know, I get that, too. It's -- it's the best
25 | of both worlds.

1 MR. PRICE: Yes.

2 CHAIRMAN BONACCI: So, --

3 MR. PRICE: Okay.

4 CHAIRMAN BONACCI: -- when I made my
5 statement earlier, with regards to how I
6 disagreed with the decision, that was for the
7 judge calling my decision -- our decision
8 arbitrary and capricious, not that it was
9 challenged by Larry Price because I would have it
10 no other way.

11 So, that was not directed towards you.

12 MR. PRICE: Okay.

13 Mr. Chairman, you -- you -- but you're not
14 getting the thrust of my objection.

15 CHAIRMAN BONACCI: No. I understand.

16 MR. PRICE: I was --

17 CHAIRMAN BONACCI: You wanted to know --

18 MR. PRICE: -- entitled to notice.

19 CHAIRMAN BONACCI: Yeah.

20 MR. PRICE: I wasn't --

21 CHAIRMAN BONACCI: I get that.

22 MR. PRICE: -- given notice.

23 CHAIRMAN BONACCI: That's noted. I mean, I
24 can't apologize for that because I didn't do
25 that.

1 MR. PRICE: Well, it's Mr. Alonso's
2 responsibility. All I'm saying is there was --
3 there was no notice in this case, when there
4 should have been.

5 CHAIRMAN BONACCI: If I had known that
6 before they began testimony, I would have
7 addressed it then. But I have no knowledge of
8 that.

9 I mean, I don't call Mr. Alonso and say,
10 don't tell Larry -- you know? So, I apologize
11 for that, if --

12 MR. PRICE: Well, okay.

13 CHAIRMAN BONACCI: -- that means anything.

14 MR. PRICE: But it puts a cloud over --

15 CHAIRMAN BONACCI: Right.

16 MR. PRICE: -- the hearing. And I --

17 CHAIRMAN BONACCI: Would you allow me --

18 MR. PRICE: I -- I state --

19 CHAIRMAN BONACCI: -- a couple minutes just
20 to --

21 MR. PRICE: -- the objection.

22 CHAIRMAN BONACCI: -- confer with counsel?

23 MR. PRICE: Sure.

24 CHAIRMAN BONACCI: Okay.

25 MR. PANEQUE: Yes. Mr. Price, if I may?

1 May I just have the citation? If you could just
2 pass it forward?

3 MR. PRICE: Oh, sure.

4 CHAIRMAN BONACCI: I don't want you to get
5 in the same spot.

6 MR. ALONSO: Absolutely.

7 CHAIRMAN BONACCI: It's been a year, Larry.
8 They're all jammed up over there. You know? It
9 would be nice if somebody could move in and stuff
10 like that.

11 But I -- I understand what you're doing.

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

14 MR. PRICE: As you can see, there are --
15 you know, cited references. The first one means
16 the applicant and the second one means the
17 appellant.

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

20 MR. PANEQUE: Mr. Alonso, do you want to
21 take a few minutes to review this?

22 MR. ALONSO: Yeah. Sure.

23 MR. PANEQUE: And response?

24 If we can --

25 CHAIRMAN BONACCI: Recess.

1 MR. PANEQUE: -- have a five minute break
2 and go off the record?

3 THE SECRETARY: Thank you.

4

5 (Whereupon, the Board recessed from 7:44
6 p.m. to 7:55 p.m.)

7

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

10 Back in record.

11 Mr. Alonso, please?

12 MR. ALONSO: Thank you.

13 Members of the Board, I had an opportunity
14 to review what Mr. Price had cited and I believe
15 100 percent he's incorrect.

16 He's incorrect, because first of all, he
17 does not cite the statute. He cites a reference
18 in the Cox Land Use book, saying that there
19 should be notice to the appellant, but it's not a
20 statute. We're not required to do so.

21 He then said there's two citations to two
22 separate statutes that requires it. The first
23 one was 40:55D-10H, which he says was notice to
24 the applicant. That notice to the applicant
25 talks about the decision. The decision from the

1 Board has to be served upon the applicant.
2 That's us. So, that doesn't apply to his
3 argument.

4 The second part of his argument goes to
5 40:55D-17B, which says is the appellant, which is
6 him. And he has the right. But no, if you read
7 that statute, that statute talks about if the
8 matter is appealed to the governing body. Under
9 the Municipal Land Use Law, this act -- the
10 actions by this Board can be appealed to either
11 the Superior Court or to the governing body; the
12 Mayor and -- and Board of Commissioners.

13 The appeals from this Board always go to
14 the Superior Court.

15 In the event that we had appealed, or he
16 had appealed this decision to the governing body,
17 then the governing body has to give notice of the
18 hearing to the appellant. So that does not apply
19 here.

20 Okay. So, one, two, and three, so far,
21 he's incorrect.

22 The fourth part of that note in the -- in
23 the Cox book says, in the interest of -- of
24 justice, if the Board deems fit, they can require
25 an applicant to notice anybody else who they

1 believe should have notice.

2 That was never done in this case. So,
3 that's the fourth.

4 On all four prongs he fails. However, what
5 we know is Mr. Price likes to drag things out.
6 He likes to hurt people. He likes to have people
7 lose a lot of money.

8 MR. PRICE: Mr. Chairman, I'm going to --

9 MR. ALONSO: Excuse me.

10 MR. PRICE: -- object to these personal
11 remarks. They are inappropriate.

12 CHAIRMAN BONACCI: Mr. Price, I understand.

13 MR. PRICE: It's a personal attack on me.

14 CHAIRMAN BONACCI: I'm going to let you --

15 MR. ALONSO: It's factual.

16 CHAIRMAN BONACCI: I'm going to let you
17 have your chance --

18 MR. PRICE: Yeah.

19 CHAIRMAN BONACCI: -- to -- to rebut him.

20 MR. PRICE: But you shouldn't --

21 CHAIRMAN BONACCI: Mr. -- Mr. Alonso --

22 MR. PRICE: You shouldn't even permit these
23 --

24 CHAIRMAN BONACCI: -- if you just finish --

25 MR. ALONSO: It's factual. So with that

1 said --

2 CHAIRMAN BONACCI: -- the point. And then
3 I'll --

4 MR. ALONSO: With that said --

5 CHAIRMAN BONACCI: Yeah.

6 MR. ALONSO: -- I spoke to my client and
7 the prudent decision to make is not to have the
8 Board vote. We're correct. I believe on appeal
9 we would win that argument.

10 However, if you have a judge who then says
11 that -- you know, the Board acted arbitrary and
12 capriciously --

13 CHAIRMAN BONACCI: Right.

14 MR. ALONSO: -- and unreasonably --

15 CHAIRMAN BONACCI: Right.

16 MR. ALONSO: -- in interpreting the
17 statute, we're going to waste another year and
18 come back here. I'd rather waste one or two
19 months, renote, come back and eliminate that
20 issue from --

21 CHAIRMAN BONACCI: All right.

22 MR. ALONSO: -- in future appeals.

23 CHAIRMAN BONACCI: Understood.

24 Mr. Price, you wanted to chime in?

25 MR. PRICE: I'm just saying that his remark

1 -- his personal remarks are inappropriate.

2 CHAIRMAN BONACCI: Well, I understand.

3 MR. PRICE: They should not be allowed.

4 CHAIRMAN BONACCI: Well, let me -- let me
5 just --

6 MR. PRICE: That's a personal attack on me.

7 CHAIRMAN BONACCI: Mr. Price, I understand.
8 I just want to address both of you guys right
9 now, since you're both here.

10 I respect your competitiveness. I respect
11 your concern for the system and how you guys go
12 about it, and how you guys are passionate about
13 it.

14 But you guys keep doing this dance, for
15 members of the Board. This thing is a personal
16 thing. This has nothing to do with the
17 application or the applicant. And it's appearing
18 to be very personal. And with respect to what
19 you guy -- I got the utmost respect for both of
20 you gentlemen, however, you guys know. We're
21 sitting here for many hours. We have a lot of
22 applications. We have a lot of testimony to
23 listen to, as you know, because you're both
24 always here.

25 So, please, out of respect for the members

1 of the Board, try to keep the personal agenda to
2 the side, so that we can move on to the decision
3 making.

4 And Larry, I know you're with me on this.
5 We're all here for the betterment of Union City.
6 And I just want to keep it about that, because I
7 can see that things are getting a little bit
8 heated and personal.

9 So, with respect to that, closed to members
10 of the public at this time.

11 MR. SANCHEZ: Can I say one thing, please?

12 VICE CHAIRMAN GRULLON: You got one more.

13 CHAIRMAN BONACCI: I'll let you, and then
14 we'll --

15 MR. SANCHEZ: Yes, please.

16 CHAIRMAN BONACCI: Okay. Come on up.

17 Sir, I'm sorry. We'll get you sworn in,
18 and then I just want to ask you a quick question,
19 because I think you were here last time, same
20 application.

21 MR. SANCHEZ: That's correct.

22 CHAIRMAN BONACCI: Yes?

23 MR. SANCHEZ: Yes.

24 CHAIRMAN BONACCI: Okay. Because I wanted
25 to address, for the record, that I remember, Mr.

1 | Alonso, that you had testimony from a member of
2 | the public the last time, who lived in the area,
3 | who praised the application, because that's duly
4 | noted, as well, because when the judge had said
5 | that we didn't have enough evidence -- you know,
6 | I remember reading back on that. And that was
7 | something that we had considered, as well.

8 | MR. ALONSO: Correct.

9 | CHAIRMAN BONACCI: So, sir, if you want to
10 | --

11 | MR. SANCHEZ: Yeah.

12 | CHAIRMAN BONACCI: -- come on up?

13 | MR. SANCHEZ: Yeah. I'll be very brief.

14 | MR. DILLON: Just can you stand over on the
15 | mic there?

16 | And please raise your right hand.

17 | Do you swear the testimony you're about to
18 | give this Board is the whole truth?

19 | MR. SANCHEZ: Yes, I do.

20 | MR. DILLON: State your name and spell it
21 | for the record.

22 | MR. SANCHEZ: First name Pedro, P-E-D-R-O,
23 | last name Sanchez, S-A-N-C-H-E-Z.

24 | MR. DILLON: Thanks.

25 | MR. SANCHEZ: So, I'll be very brief,

1 | because it's a long night.

2 | I was here last time.

3 | CHAIRMAN BONACCI: Right.

4 | MR. SANCHEZ: As you all may recall.

5 | Again, very quickly, my credentials.

6 | I'm -- I'm a lifelong resident of that
7 | immediate neighborhood, 50 years, since 1969.

8 | I'm a licensed architect since 1998, 22 years of
9 | practice.

10 | Very briefly, this -- I think the architect
11 | went out of his way, all this time spent, to
12 | really come up with something that's appropriate,
13 | fits the neighborhood, we went a lot of rounds.
14 | I speak to him, sometimes personally, on this.
15 | That's the architectural point.

16 | The point as a resident lifelong there is I
17 | know that block, every square inch. I grew up
18 | there my whole life. And the -- the big thing I
19 | think we're missing here is, besides the
20 | logistics and this -- this bickering back and
21 | forth, this is a residential application that's
22 | coming in to a -- what was originally a
23 | nonconforming use. That's the only
24 | nonresidential building in that whole block.

25 | It's an eyesore. It's a warehouse. I even

1 think they do manufacturing. There's trucks
2 coming in and out.

3 This restores back to the original
4 integrity of the Master Plan, probably 1903. If
5 you go back further, there was probably a house
6 there, houses there.

7 I think it's very unfortunate that me, who
8 live there, now have to suffer between this
9 logistics.

10 Mr. Price, I have tremendous respect for
11 you. I think you and I have a lot in common that
12 we -- we're looking for the welfare of Union
13 City.

14 But with the utmost respect, you don't live
15 on that block, I do. My family does and my
16 neighbors do.

17 So, I ask that this could be resolved in
18 the interest of the neighborhood and not Article
19 3.2 or 3.5.

20 That's all I have to say.

21 Thank you.

22 VICE CHAIRMAN GRULLON: Thank you.

23 MS. GUTIERREZ: Thank you, sir.

24 CHAIRMAN BONACCI: To respond to the
25 gentleman that just provided testimony under

1 oath.

2 For -- for you, your family, and whoever is
3 here from your community -- you know, we approved
4 this in December. You know, technically January
5 of last year. So, I was surprised to see that
6 you, sir, were still going through the motions on
7 this. And I'd love to get this resolved, too.
8 Not even -- you know, just for you guys, but also
9 because we have a lot of applications to get to.
10 And you guys know that.

11 So, I just want to close to members of the
12 public.

13 And I'd like to make a motion to, once
14 again --

15 MR. PANEQUE: If there's --

16 CHAIRMAN BONACCI: I think --

17 THE SECRETARY: You don't need a motion.

18 MR. PANEQUE: -- a motion to be made, I
19 believe Mr. Alonso is withdrawing his
20 application.

21 MR. ALONSO: Right. We're going to request
22 that the matter be listed for the March hearing
23 date.

24 MR. PANEQUE: You want March?

25 MR. ALONSO: I'm going to renote, just to

1 be --

2 THE SECRETARY: March 10.

3 Right?

4 MR. ALONSO: -- conservative.

5 MR. SPATZ: March 12th.

6 MR. ALONSO: To eliminate that issue from
7 any appeal.

8 THE SECRETARY: March 12.

9 CHAIRMAN BONACCI: March 12th.

10 MR. ALONSO: March 12.

11 CHAIRMAN BONACCI: Okay.

12 Just make sure that -- you know, you get
13 Larry's address, right?

14 MR. ALONSO: I know it.

15 THE SECRETARY: All right.

16 I am going to make sure this application
17 goes to March --

18 CHAIRMAN BONACCI: Send him an email, too.

19 THE SECRETARY: -- 12, 2020.

20 Mr. Alonso withdrawing the application.
21 That's correct?

22 MR. ALONSO: Well, not withdrawing the
23 application.

24 MR. PANEQUE: It's -- it's actually --

25 MR. ALONSO: It's being carried.

1 MR. PANEQUE: -- on a remand on an appeal.
2 So, this matter is going to come back with notice
3 requirements for the March 12th meeting.

4 THE SECRETARY: Thank you, Mr. Paneque.

5 All right. I'm going to put on the agenda
6 for March 12.

7 MR. ALONSO: Thank you.

8 THE SECRETARY: Thank you.

9 MR. ALONSO: Have a good evening.

10 CHAIRMAN BONACCI: You, too.

11 MR. ALONSO: Have a good evening.

12 CHAIRMAN BONACCI: You, too.

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

15 * * *

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1 **2600 Investment Corp. - 2600 Bergenline Avenue:**

2

3 THE SECRETARY: All right. We are going to
4 move on.

5 Next application on tonight's agenda, 2600
6 Investment Corporation, 2600 Bergenline Avenue.

7 Ms. Bianca Pereiras, please?

8 MS. PEREIRAS: Thank you, Mr. Vallejo.

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

11 THE SECRETARY: Mr. Chairman?

12 CHAIRMAN BONACCI: Thank you, sir.

13 THE SECRETARY: Mr. Paneque?

14 MR. PANEQUE: Thank you.

15 THE SECRETARY: Mr. Vice Chairman.

16 VICE CHAIRMAN GRULLON: Thank you, sir.

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

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

22 I have a certified mail receipt consisting
23 of all the certified mail receipts that went out,
24 with a date of December 30th, 2019.

25 I've been provided with a copy of the Tax

1 Assessor's list from the Union City Tax
2 Assessor's Office, with respect to the property
3 at 2600 Bergenline Avenue and all 200 -- all
4 owners within the 200 foot radius, with a date of
5 December 27th, 2019.

6 I've been provided with a certification as
7 to publication and service, which has been signed
8 by Ms. Pereiras, noting that notice of tonight's
9 hearing with respect to the property at 2600
10 Bergenline Avenue, Union City, was given to all
11 property owners within 200 foot radius.

12 MS. GUTIERREZ: Um hum.

13 MR. PANEQUE: And I've been provided with
14 the Affidavit of Publication from The Jersey
15 Journal. Said Affidavit indicates that notice of
16 tonight's hearing was published on December 27,
17 2019, for the property in question, and gives the
18 location for the meeting at this venue, with a
19 time of six p.m.

20 I've also been provided with a copy of the
21 receipts that have come back to date.

22 Based on the documentation that's been
23 provided by Ms. Pereiras, this Board has
24 jurisdiction to proceed and hear this matter.

25 MS. PEREIRAS: Thank you.

1 Good evening, Mr. Chairman, members of the
2 Board.

3 May it please, the Board, Bianca Pereiras
4 on behalf of the applicant, 2600 Investment Corp

5 This is for property located at 2600
6 Bergenline Avenue. This is on the corner of
7 Bergenline and 26th Street, so it's in our CN
8 neighborhood zone.

9 MS. GUTIERREZ: Um hum.

10 MS. PEREIRAS: What we're looking -- what
11 we're proposing this evening is to legalize a
12 unit in a rear building. There is a building in
13 the front of the property, on Bergenline Avenue,
14 fronting on Bergenline Avenue, which is a mixed
15 use building, consisting of commercial and
16 residential.

17 However, this application is focused on
18 that rear building.

19 We have two experts to testify before the
20 Board this evening. I'd like to begin the
21 presentation with our architect, Mr. Manuel
22 Pereiras.

23 MR. PEREIRAS: Manny Pereiras. I recognize
24 that I am still under oath.

25 MS. PEREIRAS: Mr. Pereiras, did you

1 prepare the drawings for 2600 Investment Corp?

2 MR. PEREIRAS: I have.

3 MS. PEREIRAS: And can you please describe
4 the project for the Board?

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

6 So, this property is under new ownership.
7 And the first thing they did is clean it up, fix
8 it, bring everything up to Code, and legalize
9 everything that was screwy.

10 So, there's two buildings on the same
11 property. The first is the corner. There was
12 commercial on the ground floor and two apartments
13 above. You see the two apartments I'm pointing
14 to here on the second floor.

15 We are completely renovating that
16 commercial space. We're redesigning the façade.
17 We're doing a lot of beautiful work. That work
18 is in process with the Building Department.
19 We're going to make this into a nice beautiful
20 space.

21 The rear of the property, along the --
22 along this portion, going up -- up 26th Street is
23 -- 25th Street, I'm sorry -- is -- has a
24 preexisting structure back there, which is an
25 existing apartment.

1 So, let me just walk you through the site.

2 This is Bergenline Avenue. This is 25th
3 Street. The building stops here. There's a wall
4 that continues along. There's a garage door and
5 then you see this structure. That garage door is
6 operational, cars could come in here. And you
7 have this existing apartment.

8 That existing apartment is overlapping the
9 property line. But this is what we call, from a
10 Code perspective, a preexisting nonconforming
11 structure, from a building code perspective. And
12 what we're looking to do is leave this the way it
13 is and simply bring it up to Code standards.

14 What does that mean?

15 First and foremost, we have one commercial
16 unit and three residential, which is exactly what
17 our Ordinance wants.

18 We're bringing it to that. We're not
19 asking for anything more.

20 We -- our planner is going to explain the
21 reasons why we're here, including that apartments
22 on the first floor are not permitted. We're
23 dealing with a preexisting condition. That's why
24 we're here before this Board.

25 And what we're doing is just making

1 everything meet Code. The walls that are on the
2 property line are going to get fire rated, two
3 hour fire rated, so that they protect the
4 building and the adjacent structures.

5 We're going to have a proper fire alarm in
6 there. We're going to provide the proper egress.
7 We're going to make the windows the correct
8 sizes. And that's basically the gist of this
9 application.

10 We're not looking to expand it. We're not
11 looking to make it any bigger. It's simply
12 legalizing what's already there.

13 CHAIRMAN BONACCI: Okay.

14 We have testimony for the -- from the
15 planner next?

16 MS. PEREIRAS: We do.

17 CHAIRMAN BONACCI: Okay.

18 So, then, I guess, we'll ask Manny
19 questions if we -- yeah.

20 MR. PEREIRAS: After this.

21 MS. PEREIRAS: Mr. Kauker, please?

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

24 MR. KAUKER: I'll figure it out.

25 MR. PEREIRAS: Yeah. I misspoke. It's

1 26th Street.

2 I'm very sorry.

3 CHAIRMAN BONACCI: Cool.

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

6 MR. DILLON: Please raise your right hand.

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

9 MR. KAUKER: I do.

10 MR. DILLON: State your name and spell it
11 for the record.

12 MR. KAUKER: My name is Michael D. Kauker.
13 Last name is spelled K-A-U-K-E-R.

14 MR. DILLON: Thank you.

15 CHAIRMAN BONACCI: We --

16 MS. PEREIRAS: And Mr. Kauker has appeared
17 --

18 CHAIRMAN BONACCI: We recognize --

19 MS. PEREIRAS: -- before this Board.

20 CHAIRMAN BONACCI: Yeah. Mr. Kauker.

21 MS. PEREIRAS: Thank you.

22 MR. KAUKER: Thank you.

23 CHAIRMAN BONACCI: How you doing?

24 MR. KAUKER: I'm doing well.

25 CHAIRMAN BONACCI: All right.

1 MR. KAUKER: Thank you.

2 Happy New Year to everybody.

3 CHAIRMAN BONACCI: You, too.

4 MS. GUTIERREZ: Happy New Year.

5 MS. PEREIRAS: Mr. Kauker, are you familiar
6 with 2600 Bergenline Avenue?

7 MR. KAUKER: I am. In preparation for my
8 testimony this evening, I did have an opportunity
9 to review the plans prepared by Mr. Pereiras,
10 visit the subject property, and review the Zoning
11 Ordinance and newly revised Reexamination Report
12 for the City of Union City.

13 MS. PEREIRAS: And Mr. Kauker, can you
14 please describe the project from a planning
15 perspective?

16 MR. KAUKER: Certainly.

17 The subject property itself is located on
18 the northeast corner of Bergenline Avenue and 26th
19 Street. The property is somewhat long and
20 narrow. It's about a hundred feet deep by 25
21 feet in width. It's just over 2500 square feet.
22 As a matter of fact, it's 2,509 square feet. So,
23 it does meet the minimum lot area requirement.

24 It's located in the CN neighborhood
25 commercial district. And as Mr. Pereiras

1 mentioned, it's currently occupied by two
2 buildings. The front building, which is the one
3 located on the corner of Bergenline and 26,
4 contains a commercial unit on the ground floor,
5 two residential units on the second floor. And
6 the building to the rear, which is primarily
7 located along 26th Street, not -- and oriented
8 toward 26th Street, is currently occupied by a
9 preexisting nonconforming residential structure
10 itself.

11 With respect to the surrounding conditions,
12 I'm sure the Board is familiar with the area.
13 But the area itself contains a mix of uses.
14 Predominantly Bergenline Avenue is -- is one of
15 the major commercial thoroughfares within Union
16 City. Your ordinance recognizes that it's a
17 commercial type area and the Master Plan and also
18 permits mixed use developments as well, along
19 Bergenline Avenue, that or above, ground floor
20 commercial uses.

21 Twentieth Street is a little bit different;
22 26th Street is pretty much a residential type
23 street, with the exception of an office that's
24 located pretty much across the street from this
25 proposed use.

1 That's one of, I think, the distinguishing
2 and defining characteristics of the application
3 that I'll talk about a little bit later, is the
4 fact that where this commer -- or where this
5 residential component is located, it's further
6 along 26th Street, away from Bergenline Avenue.
7 So, it's more in the residential portion of 26th
8 Street, and a little bit more consistent with the
9 character of that area and that location.

10 Now, as mentioned, the applicant requires a
11 D-1 use variance. D-1 use variance is required
12 for two reasons. Primarily, as cited in your
13 planner's report, there are two buildings located
14 on the lot, which according to your planner, is
15 not permitted in the Union City Code.

16 In addition to that, in this zone,
17 residential use is only permitted above a ground
18 floor commercial unit on the second floor. And
19 this residential unit is located on the first
20 floor.

21 Therefore, we're requesting a D-1 use
22 variance. And in order for the Board to grant a
23 D-1 use variance, the applicant must make an
24 affirmative showing of both the positive and the
25 negative criteria.

1 So, essentially, what we need to do is show
2 that there are special reasons in support of
3 allowing two buildings on this lot, and also
4 allowing the residential structure on the ground
5 floor of the rear building.

6 It's my opinion that we meet the positive
7 criteria and that there are a number of special
8 reasons in support of this application.

9 It's my opinion that the site is
10 particularly suited because of the presence of
11 the existing building, which can adequately and
12 has adequately accommodated a residential unit
13 for many years.

14 I don't know if the dog agrees with me or
15 not but --

16 Number two.

17 It's an adaptive use of space in an
18 existing structure. Another special reason is,
19 because, as I mentioned before, the longstanding
20 use of the property for commercial, having the
21 two buildings, and having the three residential
22 units on the property, as well.

23 Also helps to provide additional housing
24 supply, which helps to provide balanced housing
25 in -- in the community. There's a studio and one

1 | bedroom units that comprises the bedroom
2 | distribution and mix on the property.

3 | I talked about, before, the distinguishing
4 | characteristics of -- of the site itself and
5 | given the fact, I don't know if you can see it
6 | from the -- that's not the right --

7 | MR. PEREIRAS: You can utilize this.

8 | MR. KAUKER: Am I looking at the wrong
9 | plan?

10 | MR. PEREIRAS: Actually the wrong drawing
11 | is up there.

12 | MR. KAUKER: Oh, okay. I was going to say,
13 | that's why it was somewhat confusing.

14 | But in any event, if you -- when -- as I
15 | mentioned before, the property is kind of long
16 | and narrow. The -- the longest portion of the
17 | property is along 26th Street. And really, where
18 | the residential portion is located, the strictly
19 | solely residential portion, it's really in that
20 | residential neighborhood of 26th Street. So, I
21 | think that it's something that's consistent with
22 | the residential components on 26th Street itself.

23 | In addition to that, what we're doing is
24 | we're really upgrading an older apartment in the
25 | area and bringing it into conformance with modern

1 day building standards, which I think is a
2 benefit and something that enhances the safety of
3 the dwellings itself.

4 There are some nonconforming conditions
5 from a parking standpoint. There are no parking
6 spaces -- there's actually a driveway and
7 apparently, they can fit one parking space, but
8 it's not a legal conforming parking space.

9 But, essentially, zero parking spaces
10 exist. Eight would be required for the total mix
11 component of uses that's provided onsite.

12 And I mean, obviously, there are a number
13 of reasons in Union City. Technically, we would
14 be requesting a de minimis exception from the
15 RSIS. But again, this is an existing condition.
16 There's no legal means for the applicant, or
17 lawful means to -- for them to increase the area
18 of the property to provide parking.

19 And with respect to the negative criteria,
20 it's my opinion that there would be no
21 substantial impairment to the surrounding area.

22 As I mentioned before, these are existing
23 structures. They're not changing. They're going
24 to be upgraded, which I think will have a
25 beneficial -- would be -- would be beneficial to

1 the neighborhood.

2 In addition, I did have an opportunity, as
3 I mentioned before, to review the Master Plan,
4 and also the Zoning Ordinance. I think that this
5 is something that's consistent with your Master
6 Plan and the Zoning Ordinance, as they impose a
7 limitation of three residential units on new
8 developments. This one obviously has three
9 residential units. So, it is consistent with
10 those documents, in my opinion.

11 It also furthers a number of goals and
12 objectives in the Master Plan itself, which
13 basically deal with providing, as I mentioned
14 before, a balanced mix of land uses, provide a
15 broad range of housing choices.

16 So, for all of those reasons, it's my
17 opinion that the applicant, with respect to this
18 application, meets the burden of proof. And I do
19 feel confident that the Board could grant the
20 requested variances.

21 Thank you.

22 CHAIRMAN BONACCI: Thanks, Mr. Kauker.

23 Let's see here. Mr. Kauker, since you're
24 up here already.

25 MR. KAUKER: Yup.

1 CHAIRMAN BONACCI: Total bedroom count you
2 said was?

3 MR. KAUKER: There's -- I'd have to --

4 CHAIRMAN BONACCI: Is it --

5 MR. KAUKER: The -- the -- there's a -- in
6 the -- in the --

7 CHAIRMAN BONACCI: It's one -- maybe that's
8 a Manny question.

9 Right?

10 MR. KAUKER: In the out building --

11 CHAIRMAN BONACCI: Yeah.

12 MR. KAUKER: -- there's one bedroom.

13 CHAIRMAN BONACCI: Okay.

14 MR. KAUKER: And I believe there's a one
15 bedroom and studio.

16 MS. PEREIRAS: Yes.

17 MR. PEREIRAS: Yes.

18 MR. KAUKER: So, two --

19 CHAIRMAN BONACCI: So, two.

20 MR. KAUKER: -- one bedrooms and one
21 studio.

22 CHAIRMAN BONACCI: Okay.

23 This one's probably a question for you. I
24 apologize about that --

25 MR. KAUKER: That's okay.

1 CHAIRMAN BONACCI: -- last one.

2 Right now, in the plans, obviously, we can
3 see the garage that's there.

4 MR. KAUKER: Is this --

5 MR. PEREIRAS: No. That's -- that's wrong.

6 MR. KAUKER: I don't know, that's --

7 MR. PEREIRAS: This is a -- I do have a
8 picture. There you go.

9 So, just to be up front about my error. We
10 went through like eight versions of these
11 drawings.

12 CHAIRMAN BONACCI: Okay.

13 MR. PEREIRAS: And they printed the wrong
14 version of it.

15 CHAIRMAN BONACCI: That one up there.

16 MR. PEREIRAS: So -- so this is not the
17 right version that you have in front of you. But
18 the picture is.

19 CHAIRMAN BONACCI: Right.

20 MR. PEREIRAS: So you could see that
21 picture. That is -- that's what we're talking
22 about. That garage door, this door, that window,
23 that's the apartment in question.

24 CHAIRMAN BONACCI: Okay.

25 So, when you testified earlier that it's

1 | current -- ultimately, by approving the
2 | application tonight, we would be legalizing
3 | what's already there.

4 | When you said that, do you mean that the
5 | garage that's there is currently used as housing,
6 | or an apartment?

7 | MR. PEREIRAS: Yes. That --

8 | CHAIRMAN BONACCI: Okay.

9 | MR. PEREIRAS: That garage is currently
10 | being used as an apartment.

11 | CHAIRMAN BONACCI: Right.

12 | MR. PEREIRAS: And it's currently --

13 | CHAIRMAN BONACCI: And it's a garage.

14 | MR. PEREIRAS: -- a two bedroom apartment.
15 | It is -- and what we're looking to do, to make it
16 | conform with the requirements of Union City, we
17 | have a 675 square foot space that we're working
18 | with. So, we're demolishing a lot of the
19 | interior. We're making it into a conforming one
20 | bedroom, and we're looking to legalize this
21 | preexisting condition.

22 | CHAIRMAN BONACCI: Okay.

23 | So, now as -- with regards to the specs,
24 | there would be two bedrooms and what's going to
25 | be the square footage of the bedrooms?

1 MR. PEREIRAS: We're proposing a one
2 bedroom. And the apartment is 675 square feet.
3 And the bedroom itself is going to be 13.8 by ten
4 foot four. So, it's one hundred and forty --
5 about 140 square feet, which is a conforming
6 bedroom size. And you'll see my -- my bedrooms
7 are always conforming.

8 CHAIRMAN BONACCI: And tell us more about
9 what you were saying about the windows.

10 MR. PEREIRAS: Yes. So as you could see,
11 there is a -- somewhat of a boarded up garage
12 door right now.

13 CHAIRMAN BONACCI: Um hum.

14 MR. PEREIRAS: And there's a window next to
15 it, which is very small. What we're looking to
16 do is redesign this façade, so that we're
17 basically replacing that, and creating
18 residential sized windows that are compliant with
19 current code, which means that they're emergency
20 escape and egress windows. They meet a very
21 specific requirement. The sill is no more than
22 44 inches. They have 5.7 square feet opening,
23 and no dimension smaller than two feet, so that
24 we're providing that.

25 And we're upgrading everything else in that

1 apartment.

2 CHAIRMAN BONACCI: And then, that took me
3 to my next question, which was, testimony on the
4 safety, fire egress.

5 MR. PEREIRAS: So --

6 CHAIRMAN BONACCI: You said something about
7 a fire alarm earlier.

8 MR. PEREIRAS: Yes. So, we'll be providing
9 a 110 volt fire alarm system on -- on this -- on
10 this structure.

11 And it actually -- even though this
12 triggers additional variances, as being a
13 separate building, actually makes it a safer
14 building, because it is -- we're talking about a
15 one story simple structure. It's actually very
16 simple. There's no stairs. There's nothing else
17 involved. It actually, from a safe -- life
18 safety standpoint, it's very safe.

19 And the thing that I would be concerned
20 with, as an architect, is the separation between
21 this building and adjoining properties. And
22 we're going to be upgrading those -- those walls
23 so that they're -- they meet all the fire safety
24 code.

25 CHAIRMAN BONACCI: Just want to see if I

1 have any questions, Mr. Kauker. That was pretty
2 straightforward.

3 CN zone, which not allowed, which is why
4 you're here for the use.

5 MR. KAUKER: That -- yeah. That's correct.

6 CHAIRMAN BONACCI: Zero parking provided,
7 eight would be required.

8 Why so many required? Eight?

9 MR. KAUKER: I believe it's -- your planner
10 calculates it, but I believe there are three
11 parking spaces required for the residential, and
12 five for the --

13 MR. SPATZ: I have it --

14 MR. KAUKER: -- commercial?

15 MR. SPATZ: It's the other way around.

16 MR. KAUKER: It's the other way around?

17 MR. SPATZ: Five are required --

18 CHAIRMAN BONACCI: Right.

19 MR. SPATZ: -- for the --

20 MR. KAUKER: Okay.

21 MR. SPATZ: -- three units, and then --

22 CHAIRMAN BONACCI: That's what's already
23 there, though.

24 MR. SPATZ: -- and then for the commercial.

25 MR. PEREIRAS: Our Ordinance -- and -- and

1 I disagree with our Ordinance on this, they
2 require parking even for a commercial structure
3 on Bergenline Avenue --

4 CHAIRMAN BONACCI: Right.

5 MR. PEREIRAS: -- in this location. So,
6 it's --

7 CHAIRMAN BONACCI: It's not going to be the
8 same people everyday.

9 MR. KAUKER: Although -- although I would
10 point one thing.

11 The Ordinance does exclude parking for lots
12 that are 2500 square foot or less. I mean,
13 obviously, we're just over that but we're --

14 CHAIRMAN BONACCI: There's a driveway
15 currently there --

16 MR. KAUKER: -- very close.

17 CHAIRMAN BONACCI: -- you guys were saying?

18 MR. KAUKER: It's a curb cut.

19 MR. PEREIRAS: There is. There's a
20 driveway. It's currently in use, cars park in
21 there. It doesn't meet the requirements of --

22 CHAIRMAN BONACCI: Are you going to leave
23 it like that?

24 MR. PEREIRAS: We're leaving it like that.
25 We're not --

1 CHAIRMAN BONACCI: So how many cars --

2 MR. PEREIRAS: -- proposing to do any
3 changes.

4 CHAIRMAN BONACCI: -- does that fit?

5 MR. PEREIRAS: One.

6 CHAIRMAN BONACCI: So, it's not zero, it's
7 one.

8 MR. PEREIRAS: It's one, yeah.

9 CHAIRMAN BONACCI: Right.

10 And the garage, if it was a garage, how
11 many would that hold?

12 MR. PEREIRAS: It's not a garage, and it's
13 -- and currently, the way it's configured, it
14 would be impossible to fit a car in there.

15 CHAIRMAN BONACCI: Even one?

16 MR. PEREIRAS: The way it's configured.
17 And I -- I -- it's a very small garage door, too.
18 I think it --

19 CHAIRMAN BONACCI: So, the -- the little
20 separation between the commercial and the garage
21 now, that's going to remain the same, or is that
22 going to be something that's attached to --

23 MR. PEREIRAS: It remains the same.

24 CHAIRMAN BONACCI: As is.

25 MR. PEREIRAS: We're not looking to add

1 anything to either building.

2 CHAIRMAN BONACCI: Members of the Board?

3 MR. PRESSEY: Is it currently occupied?

4 MR. PEREIRAS: The -- no. The apartment --
5 when the owner purchased, they removed everyone,
6 because they found out it was an illegal unit.
7 And they -- they came to rectify the situation
8 here. They did the right thing.

9 MR. PRESSEY: Thank you.

10 CHAIRMAN BONACCI: Okay.

11 I don't know if this is a question for
12 either of you, when did the garage become living
13 space?

14 MR. PEREIRAS: I could tell you an
15 estimate, based on the architecture inside that
16 space.

17 It is old and in horrible condition. It's
18 been there for 40 years, easy.

19 CHAIRMAN BONACCI: There's a bathroom --

20 MR. PEREIRAS: I don't think any of --

21 CHAIRMAN BONACCI: -- in there, too?

22 MR. PEREIRAS: There's bathroom in there,
23 there's kitchen in there, there's multiple walls.
24 And that is --

25 CHAIRMAN BONACCI: It must be awful.

1 MR. PEREIRAS: -- not something that has
2 been put up -- you know, not -- you know, it's --
3 I -- I would guess, 40 years ago. And -- and
4 that's a very unscientific, but as -- in my
5 opinion, as a -- as a professional, and just as a
6 lay person, even looking at it, it's old. And
7 it's been like that for a very long.

8 CHAIRMAN BONACCI: Would you be able to
9 provide testimony as to how long your applicant
10 has owned this space?

11 MR. PEREIRAS: Just recently.

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

14 MS. PEREIRAS: This was purchased October
15 of 2018.

16 CHAIRMAN BONACCI: Okay.

17 And then, based on the architecture, you
18 would testify that it was made into a living
19 space maybe 40 years ago.

20 MR. PEREIRAS: That's a good estimate.

21 CHAIRMAN BONACCI: Okay.

22 I mean, obviously, the goal here would be
23 to renovate, upgrade, restructure this so that
24 it's an adequate living facility, but at the same
25 time, my concern -- and the reason why I asked

1 the question would be, we don't want people in
2 Union City turning their garages into apartments,
3 only to come here, and then get what they kind of
4 broke the rule -- you know what I mean? So, that
5 --

6 MR. PEREIRAS: I understand.

7 CHAIRMAN BONACCI: Yeah.

8 MR. PEREIRAS: And I think the situation
9 here is a little bit different --

10 CHAIRMAN BONACCI: Right.

11 MR. PEREIRAS: -- for multiple reasons.

12 Number one, it's been there for so long.

13 CHAIRMAN BONACCI: Right.

14 MR. PEREIRAS: And number two, we're not
15 asking for any -- it's not like a fourth or fifth
16 unit. We're looking for a three unit with
17 commercial, which is exactly what the City is
18 looking for.

19 And if we were to look at the current
20 Ordinance, today, and the Master Plan, it's
21 looking for, basically, full coverage of the
22 ground floor for commercial. So, there would be
23 no -- let's say, we tore this building down and
24 we rebuilt it, it would be all commercial, except
25 for the -- the rear yard, one spot, which is

1 exactly what we have.

2 CHAIRMAN BONACCI: Right.

3 MR. PEREIRAS: So, it would be no
4 difference if there was a rear building.

5 So, I don't think this sets any precedent
6 because it's a very particular situation. And it
7 -- in essence, it's almost exactly what the City
8 wants, except that that unit is not above, it's
9 on the ground floor.

10 MR. KAUKER: One other thing to consider, I
11 think, if you look at the way that it's laid out,
12 the driveway curb cut is not in front of the
13 garage.

14 CHAIRMAN BONACCI: It's on the side.

15 MR. KAUKER: There's actually a public --

16 CHAIRMAN BONACCI: Right.

17 MR. KAUKER: -- parking spot that's located
18 in front of that -- the garage door.

19 CHAIRMAN BONACCI: Yeah. My concern is not
20 so much on the use.

21 MR. KAUKER: Right.

22 CHAIRMAN BONACCI: It's how we got to that.

23 MR. KAUKER: Got to that point. I
24 understand.

25 CHAIRMAN BONACCI: Yeah.

1 MR. KAUKER: Yeah.

2 CHAIRMAN BONACCI: But you kind of
3 alleviated that concern with the answers and what
4 we have testimony.

5 Just want to open it up, members of the
6 public?

7 Okay.

8 Before I make --

9 MR. PEREIRAS: May I say something?

10 CHAIRMAN BONACCI: Sure.

11 MR. PEREIRAS: Just if this Board deems it
12 favorable and approved this, I would like, if
13 possible, the Resolution to very clearly state
14 these words, legalizing a preexisting
15 nonconforming structure, from a Building
16 Department standpoint, and someone that's there
17 every day. Those words will assist making this a
18 smoother run through the Building Department.

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

21 MR. PEREIRAS: Thank you so much.

22 CHAIRMAN BONACCI: Sure. Just trying to
23 write it down, so I don't mess it up. And I
24 might mess up anyways.

25 So, the use that you're -- you're changing

1 | this to is very beneficial, especially -- you
2 | know, in this neighborhood.

3 | So, it meets the safety standards. You're
4 | taking something that's, in this case,
5 | particularly unsafe, making it better. And it
6 | meets all the safety standards of the Municipal
7 | Land Use.

8 | With that, I just want to make a motion to
9 | approve the application.

10 | THE SECRETARY: Motion on the table to
11 | approve the application by Mr. Bonacci.

12 | CHAIRMAN BONACCI: I'm sorry.

13 | Mr. Vallejo, approve the application to
14 | take a previously --

15 | MR. PEREIRAS: Preexisting --

16 | CHAIRMAN BONACCI: -- preexist --

17 | MR. PEREIRAS: -- nonconforming structure.

18 | MR. PANEQUE: Preexisting --

19 | CHAIRMAN BONACCI: Legal --

20 | MR. PANEQUE: -- nonconforming --

21 | CHAIRMAN BONACCI: Legaling (sic) a
22 | preexisting nonconforming structure, and making
23 | it a much more beneficial use going forward.

24 | THE SECRETARY: Motion by Mr. Bonacci.

25 | Seconded by Ms. Gutierrez.

1 CHAIRMAN BONACCI: Told you I would butcher
2 it.
3 THE SECRETARY: Roll call on the motion.
4 Mr. Bonacci?
5 CHAIRMAN BONACCI: Yes.
6 THE SECRETARY: Mr. Grullon?
7 VICE CHAIRMAN GRULLON: Yes.
8 THE SECRETARY: Ms. Gutierrez?
9 CHAIRMAN BONACCI: It's after eight
10 o'clock.
11 MS. GUTIERREZ: Yes.
12 THE SECRETARY: Mr. Pressey?
13 MR. PRESSEY: Yes.
14 THE SECRETARY: Mr. Medina?
15 MR. MEDINA: Yes.
16 THE SECRETARY: Ms. Pena?
17 MS. PENA: Yes.
18 THE SECRETARY: Mr. Cetinich?
19 MR. CETINICH: Yes.
20 THE SECRETARY: Seven in favor.
21 Motion carries.
22 MS. PEREIRAS: Thank you all very much.
23 MR. PEREIRAS: Thank you, everyone.
24 THE SECRETARY: Thank you, Mr. Chairman.
25 CHAIRMAN BONACCI: Thank you.

1	Try and stay awake.
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1 **Tower Management Service, LP -**
2 **500 Central Avenue:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, Tower Management Service, LP,
6 500 Central Avenue.

7 Mrs. Pereiras, please?

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

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

13 I have a certification as to publication
14 and service indicating that notice of tonight's
15 hearing was sent to all property owners within
16 the 200 foot radius with respect to the property
17 at 500 Central Avenue, Union City.

18 I've been provided with a Affidavit of
19 Publication indicating that notice of tonight's
20 hearing with respect to the property in question
21 was given on December 27th, 2019.

22 I've also been provided with the certified
23 mail receipts, with a postmark date of December
24 26, 2019, as well as the list from the Tax
25 Assessor's Office, consisting of 29 pages --

1 MS. PEREIRAS: Yes.

2 MR. PANEQUE: -- with a date of December
3 20th, 2019. And I stress 29 pages.

4 CHAIRMAN BONACCI: Ohh.

5 MR. PANEQUE: Because that's a task and a
6 half.

7 I've also been provided with copies of the
8 green cards and envelopes that have come back to
9 date.

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

13 Thank you, Ms. Pereiras.

14 MS. PEREIRAS: Thank you very much,
15 counsel.

16 Again, Bianca Pereiras, on behalf of the
17 applicant.

18 This is for property located at 500 Central
19 Avenue. We all know it very well. This is the
20 Lenox building. We're actually focusing on the
21 parking lot adjacent to the Lenox building.

22 The reason we're here is that the Lenox
23 building is considered a high rise because it's
24 16 floors and it's not allowed in that zone. I
25 think the max there is about five stories.

1 However, we're not making any changes to
2 that building. We are only seeking to improve
3 the parking lot.

4 This building and the parking lot was made
5 some time in the early 1960s, and some of the
6 parking spots are inadequate in size. So, the
7 applicant is here before the Board to improve
8 those site conditions.

9 We have one expert to testify before the
10 Board, and that is our engineer, Mr. Kenneth
11 Smith.

12 MR. SMITH: How's everyone doing?

13 CHAIRMAN BONACCI: How you doing?

14 MR. SMITH: All right.

15 CHAIRMAN BONACCI: You guys been waiting,
16 huh?

17 MR. SMITH: Yeah.

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

20 MR. DILLON: Please raise your right hand.

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

23 MR. SMITH: Yes, sir.

24 MR. DILLON: State your name and spell it
25 for the record.

1 MR. SMITH: Name's Kenneth Smith,
2 K-E-N-N-E-T-H, S-M-I-T-H.

3 MR. DILLON: Thanks.

4 MR. SMITH: And that's the second.

5 MS. PEREIRAS: And Mr. Smith, would you
6 kindly state your credentials and qualifications
7 for the Board?

8 MR. SMITH: Oh yes. I have a Bachelors
9 degree in civil engineering from Rutgers
10 University. Background, construction management.
11 Currently been practicing site civil design work
12 as both a designer and a project manager the last
13 seven years.

14 I am a licensed professional engineer in
15 the State of New Jersey.

16 CHAIRMAN BONACCI: Nice. Testified before
17 boards?

18 MR. SMITH: No.

19 CHAIRMAN BONACCI: Okay.

20 MS. PEREIRAS: This is his first
21 presentation.

22 CHAIRMAN BONACCI: Nice.
23 Welcome.

24 MS. PEREIRAS: I promised him you guys are
25 great.

1 CHAIRMAN BONACCI: We're going to --

2 MR. SMITH: First one.

3 CHAIRMAN BONACCI: I didn't want to say
4 that, it's not appropriate but -- you know, the
5 expression's hop something -- you know?

6 MR. SMITH: Right. Right. Yeah.

7 CHAIRMAN BONACCI: All right.

8 MS. PEREIRAS: Mr. Smith, are you familiar
9 with the --

10 Oh, is he accepted as an expert in the
11 field of --

12 CHAIRMAN BONACCI: We accept your --

13 MS. PEREIRAS: -- engineering?

14 CHAIRMAN BONACCI: -- qualifications.

15 MS. PEREIRAS: Thank you very much.

16 MR. SMITH: I appreciate --

17 CHAIRMAN BONACCI: All right.

18 MS. PEREIRAS: Mr. Smith, are you familiar
19 with the property located at 500 Central Avenue?

20 MR. SMITH: I am.

21 MS. PEREIRAS: And did you and your office
22 prepare the drawings that are before the Board
23 this evening?

24 MR. SMITH: That's correct.

25 MS. PEREIRAS: And would you kindly

1 describe the improvements for the Board?

2 MR. SMITH: Yes.

3 So as you -- you went over, there's a -- an
4 existing high rise building; it is an existing
5 nonconformity. It is in the residential
6 district, is a permitted use.

7 The improvements we're going to be talking
8 about is the parking lot, if I go over to the
9 exhibit over here.

10 All right.

11 So, to elaborate on some of the -- the
12 deficiencies with this parking lot.

13 Currently, we have a ten foot entrance and
14 exit, which constricts flow. As you could see,
15 these angled parking spaces, they're not
16 efficient, especially when you come back to the
17 north of the property, there's no way to turn
18 around if you were to turn in here and park your
19 car. It'd be very difficult to K turn out of
20 here.

21 There's also no circulation associated with
22 the current layout. And the -- the final point
23 is the -- the drainage of the site.

24 Right now, there's existing curbs, curbed
25 islands throughout the parking lot. And as storm

1 | water drains -- drains off, it gets trapped in
2 | these low points and creates a ponding issue.

3 | I also want to say that the current parking
4 | lot has an existing nonconformity with the number
5 | of spaces.

6 | Get back to my notes here.

7 | Sorry.

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

10 | MR. SMITH: So, currently, we have 225
11 | spaces and we are proposing 242. So, we're going
12 | to be improving upon an existing nonconformity.

13 | This exhibit here shows our proposed
14 | conditions. We go from a ten foot drive aisle to
15 | 12 foot. That was obtained by reducing the --
16 | the grass island here. This allows for better
17 | flow in and out of the -- the parking lot.

18 | We also were able to put a loop around
19 | here, to allow for better access. You can now --
20 | you know, park your car and leave the site much
21 | easier.

22 | We eliminated the curbed islands, which
23 | allows for better drainage. Stormwater is now
24 | just going to sheet flow into the inlets.

25 | Moving on to the proposed drainage plan.

1 So as you see from our -- our grading plan,
2 sheet -- stormwater is going to sheet flow off
3 the site, be collected in these inlets here and
4 be piped out as it does in our existing
5 conditions.

6 We did increase the size of the -- we are
7 going to increase the size of the pipes here to
8 match what's going out. And the storm system was
9 sized for the hundred year storm event, which
10 will help decrease the -- the drainage issues
11 that are under current conditions.

12 That's all I have.

13 MS. PEREIRAS: And Mr. --

14 CHAIRMAN BONACCI: All right.

15 MS. PEREIRAS: Just to clarify.

16 CHAIRMAN BONACCI: Go ahead.

17 MS. PEREIRAS: The parking requirement for
18 the Lenox would be 285 parking spots.

19 Previously, there were 225. By this, we're
20 increasing it by 17 spots. So, we're not at the
21 285, but obviously --

22 CHAIRMAN BONACCI: Gets better.

23 MS. PEREIRAS: -- significantly better.

24 Seventeen spots is -- is quite an increase.

25 As far as vegetation and landscaping, could

1 | you talk a little bit about that?

2 | MR. SMITH: Sure. So, I'll refer back to
3 | the -- to our rendering here.

4 | MS. PEREIRAS: And I don't believe that was
5 | made part of the application.

6 | Would you like us to mark that or --

7 | MR. PANEQUE: Yes. If it's not part of
8 | your --

9 | MS. PEREIRAS: Right.

10 | MR. PANEQUE: -- application, you would
11 | have to mark it, A-1, and it would be part of an
12 | exhibit.

13 | MS. PEREIRAS: Thank you.

14 |

15 | (Whereupon, Top View Rendering was received
16 | and marked as Exhibit A-1.)

17 |

18 | MR. SMITH: All right.

19 | So, going back to the -- to the
20 | landscaping.

21 | Currently, there's -- these are under
22 | existing conditions, we have trees and -- and low
23 | lying vegetation here. We are going to be
24 | revegetating these curbed islands and -- and also
25 | landscaping this curbed island at the entrance

1 and exit.

2 MS. PEREIRAS: Mr. Smith, are we making any
3 modifications at all to the existing residential
4 building?

5 MR. SMITH: No.

6 CHAIRMAN BONACCI: So, everything's all in
7 the parking lot?

8 MR. SMITH: Correct.

9 MS. PEREIRAS: Yes.

10 CHAIRMAN BONACCI: Everything is adding
11 more spaces, the drainage and the greenery.

12 Right?

13 MR. SMITH: Right.

14 CHAIRMAN BONACCI: Okay.

15 Do you know anything about like how the
16 drainage system is, like currently? So, you had
17 mentioned that the pipes are bigger, and you had
18 mentioned the hundred year storm. So, I'm
19 assuming that overall, you're upgrading the
20 drainage of the parking lot that currently exists
21 there now.

22 MR. SMITH: That's correct.

23 CHAIRMAN BONACCI: Okay. Cool.

24 Ms. -- you have another --

25 MS. PEREIRAS: We have no further experts.

1 CHAIRMAN BONACCI: Okay.

2 Mr. Smith, I don't know if you're familiar
3 with RSIS standards, but it has to do with like
4 how wide the parking spots are and how much room
5 there is for people to back in and -- and pull
6 in.

7 So, my question is, since you guys are
8 adding some more parking spaces, would it have
9 any bearing on the RSIS standards and how wide
10 that the spots are now, and the ability to get
11 cars in and out? Just to make sure that -- you
12 know, cars are not --

13 MR. SMITH: Yeah.

14 CHAIRMAN BONACCI: -- smacking into each
15 other.

16 MR. SMITH: Right.

17 So, currently, our -- our layout now
18 improves -- improves that exact scenario. Under
19 existing conditions, if I can go back to my
20 existing conditions map?

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

23 MR. SMITH: Some of the spaces were
24 undersized. The proposed conditions, everything
25 is a nine by 18, per standard, and we have some

1 compact spaces, as well, which are eight by 16,
2 per the standard.

3 CHAIRMAN BONACCI: Are there any tandem
4 spaces or are they all just regular spots?

5 MR. SMITH: They're all 90 degree parking.

6 CHAIRMAN BONACCI: Okay.

7 How about like mirrors, lights, any kind of
8 safety things for pedestrians that might be --

9 Because I remember, a few years ago, we
10 approved something over here. Might have been a
11 --

12 MS. PEREIRAS: We did install a gate
13 mechanism that would --

14 CHAIRMAN BONACCI: That still here?

15 MS. PEREIRAS: That is still there, I
16 believe.

17 MR. SMITH: Yes.

18 CHAIRMAN BONACCI: Okay.

19 MR. SMITH: That --

20 MS. PEREIRAS: Yes.

21 CHAIRMAN BONACCI: And I remember we asked
22 the same questions --

23 MS. PEREIRAS: You did.

24 CHAIRMAN BONACCI: -- then so --

25 MS. PEREIRAS: You did.

1 CHAIRMAN BONACCI: Yeah.

2 MR. SMITH: Yeah. So, the gate -- there's
3 -- there's currently a gate there. Will be
4 reinstalled, replaced in-kind, under proposed
5 conditions.

6 CHAIRMAN BONACCI: Great.

7 Members of the Board?

8 MR. PRESSEY: So there will be light --

9 CHAIRMAN BONACCI: Members of the public?

10 I'm sorry, guys.

11 Go ahead.

12 THE SECRETARY: Mr. Pressey I think.

13 CHAIRMAN BONACCI: Go ahead, David.

14 MR. PRESSEY: So there will be --

15 CHAIRMAN BONACCI: Bless you.

16 MS. GUTIERREZ: Bless you.

17 MR. PRESSEY: There will be lights or
18 something?

19 MS. GUTIERREZ: Lighting.

20 MS. PEREIRAS: Can you address the lighting

21 --

22 MR. MEDINA: Safety light.

23 MS. PEREIRAS: -- onsite, please?

24 MR. SMITH: Currently, there are light --
25 there are light poles out there. It was my

1 understanding that they're owned by PSE&G.

2 MR. PRESSEY: Okay.

3 MR. SMITH: And the owner is currently
4 working with PSE&G to -- to get those replaced.

5 CHAIRMAN BONACCI: All right.

6 Members of the public?

7 Come on down.

8 MR. PRICE: Larry Price.

9 By the way, the -- I go by this site five
10 times a week.

11 CHAIRMAN BONACCI: Me, too.

12 MR. PRICE: The -- the lot is well lit.

13 CHAIRMAN BONACCI: Yeah.

14 MR. PRICE: It has -- and it has -- I don't
15 know why they would replace the lamps because
16 they're those wonderful lamps that project
17 downward so that there's no horizontal -- it's
18 down light.

19 CHAIRMAN BONACCI: Yeah. No, my ques --

20 MR. PRICE: It's good light.

21 CHAIRMAN BONACCI: Yeah. Those lights are
22 -- are great. My question was more for people
23 walking by it, pedestrians to know if a car's
24 coming out, or you know, to alert a pedestrian
25 that might be passing when a car's coming in or

1 out.

2 MR. PRICE: All right.

3 CHAIRMAN BONACCI: But it's not so
4 different than it was.

5 I mean, it is, but in a more non-visual way
6 with the way that the water is going to be
7 drained out, and stuff like that. Because I
8 don't remember, when we had Hurricane Sandy, I
9 don't remember if it was highly flooded or not.

10 MR. PRICE: It wasn't.

11 CHAIRMAN BONACCI: I don't think it was.
12 It was a little bit further down that --

13 MR. PRICE: Union --

14 CHAIRMAN BONACCI: -- they had that
15 problem.

16 MR. PRICE: Union City wasn't highly --
17 we're above -- Hoboken's got to swim for it.

18 CHAIRMAN BONACCI: We're -- we're above --
19 yeah. Sea level. Yeah.

20 MR. PRICE: We're 200 feet --

21 CHAIRMAN BONACCI: We got lucky.

22 MR. PRICE: -- above sea level.

23 CHAIRMAN BONACCI: Very lucky.

24 MS. GUTIERREZ: Um hum.

25 MR. PRICE: No, very smart.

1 CHAIRMAN BONACCI: That, too.

2 MR. PRICE: Mr. Smith -- okay. You're
3 increasing the parking from 225 to 243?

4 MS. PEREIRAS: Two forty-two.

5 MR. SMITH: Forty-two.

6 MR. PRICE: Two forty-two. An increase of
7 17 --

8 MR. SMITH: Increase.

9 MR. PRICE: -- spots. Where are you
10 getting the 17 spots?

11 MR. SMITH: So --

12 CHAIRMAN BONACCI: Are you guys redoing the
13 lines?

14 MR. SMITH: Yes.

15 CHAIRMAN BONACCI: I'm sorry.

16 MS. PEREIRAS: Yes.

17 CHAIRMAN BONACCI: So you're -- it's a --

18 MR. SMITH: We're -- we're re-striping.

19 CHAIRMAN BONACCI: The whole thing is going
20 to be painted over then.

21 MS. PEREIRAS: Um hum.

22 MR. SMITH: Right. So, we'll be able to
23 get some compact spaces here. So as,
24 traditionally, if they were nine by 18, they're
25 now going --

1 MR. PRICE: There are -- currently, that --
2 the -- the place where you pointed out is along
3 Central Avenue.

4 Correct?

5 MR. SMITH: That's correct.

6 MR. PRICE: And currently, there are no
7 spaces along Central Avenue.

8 CHAIRMAN BONACCI: That's why there's going
9 to be more spots now, I'm assuming.

10 MR. SMITH: Right. We -- we reconfigured
11 the striping. And when we did that, we -- we
12 occurred 17 spaces. We did not touch any of the
13 parking here. That also goes into the count, the
14 existing parking. Sorry. That's a little light.
15 But there is existing parking along the -- the
16 adjacent building.

17 MR. PRICE: Basically, okay.

18 Then, the other question I have is the
19 question that came up before. Four, five years
20 ago, Lenox came in before this Board and got
21 approval for, first of all, a higher fence along
22 Central Avenue and the part between the building
23 and the parking lot. And also, where there would
24 be a rollup, not -- currently, there is one of
25 these armed things --

1 CHAIRMAN BONACCI: Gates. Yeah. Like a --

2 MR. SMITH: Right.

3 MR. PRICE: -- which just keeps --

4 CHAIRMAN BONACCI: -- wooden --

5 MR. PRICE: -- honest people honest, but
6 that's about all. And it was going to be a
7 rollup gate kind of thing. That never got
8 implemented.

9 Has that been abandoned or do you -- you
10 don't have to know but --

11 MR. SMITH: I can't speak on that.

12 MR. PRICE: What?

13 MR. SMITH: I can't speak on that. I don't
14 --

15 MR. PRICE: Okay. You don't know. Okay.
16 That's fine.

17 Okay.

18 Thank you.

19 CHAIRMAN BONACCI: Did you represent that
20 one, too?

21 MS. PEREIRAS: I did.

22 CHAIRMAN BONACCI: Okay.

23 MS. PEREIRAS: Same owner.

24 CHAIRMAN BONACCI: So, this has no bearing
25 on that or --

1 MS. PEREIRAS: Well, this is new
2 modifications. Again, it was merely looking at
3 the sizes, the fact that water would pool, the
4 fact that -- I feel like we're adding more than
5 17 spots because there were so many spots that
6 were just inadequately sized.

7 CHAIRMAN BONACCI: Right. Right.

8 MS. PEREIRAS: So that improves all of
9 those.

10 But I don't believe they're looking to do
11 that roll down gate at this point.

12 CHAIRMAN BONACCI: Yeah. I just remember
13 the thing during that meeting was like the
14 security --

15 MS. PEREIRAS: Right.

16 CHAIRMAN BONACCI: -- of the lot and people
17 breaking into cars, which I don't really hear too
18 much about.

19 MS. PEREIRAS: Hasn't been an issue.

20 CHAIRMAN BONACCI: Maybe it happened once.

21 MR. PRICE: One question.

22 CHAIRMAN BONACCI: To the wrong person.

23 MR. PRICE: They -- you -- you never came
24 in for an extension of your site plan.

25 MS. PEREIRAS: No. And he never -- he

1 never --

2 MR. PRICE: So basically --

3 MS. PEREIRAS: -- built that.

4 MR. PRICE: -- it's been abandon --

5 MS. PEREIRAS: Right.

6 MR. PRICE: Site plan approval has been
7 abandoned.

8 MS. PEREIRAS: It's been quite a few --

9 CHAIRMAN BONACCI: Yeah.

10 MS. PEREIRAS: Quite a few years from that.

11 CHAIRMAN BONACCI: Don't need to worry
12 about it.

13 Right?

14 MS. PEREIRAS: Um hum.

15 CHAIRMAN BONACCI: It's gone.

16 MR. PRICE: Seventeen spots. You know,
17 this isn't a --

18 CHAIRMAN BONACCI: Slam dunk.

19 MS. PEREIRAS: Right.

20 MR. PRICE: -- high crime area -- you know,
21 so --

22 CHAIRMAN BONACCI: Thanks.

23 Closed to members of the public.

24 Obviously, you guys are improving what's
25 already there, meets the RSIS standards and

1 provides more parking for people who live in the
2 area.

3 With that, I'd like to make a motion to
4 approve the application.

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

7 Seconded by Mr. Pressey.

8 Roll call on the motion.

9 Mr. Bonacci?

10 CHAIRMAN BONACCI: Yes.

11 THE SECRETARY: Mr. Gullon?

12 VICE CHAIRMAN GRULLON: Yes.

13 THE SECRETARY: Ms. Gutierrez?

14 MS. GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Pressey?

16 MR. PRESSEY: Yes.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Yes.

19 THE SECRETARY: Ms. Pena?

20 MS. PENA: Yes.

21 THE SECRETARY: Mr. Cetinich?

22 MR. CETINICH: Yes.

23 THE SECRETARY: Seven in favor.

24 Motion carries.

25 MS. PEREIRAS: Thank you all very much and

1 Happy New Year, everyone.

2 MS. GUTIERREZ: Happy New Year.

3 CHAIRMAN BONACCI: Happy New Year.

4 MS. PEREIRAS: Thank you.

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1 **RESOLUTIONS:**

2

3 (1) 449 Palisades Ave., LLC, 912 Bergenline
4 Avenue, Block 39.02, Lot 14. Request to revert
5 back to a three family dwelling. The reason for
6 such request is simply the prior conversion
7 approval (obtained by a prior owner) to a four
8 family dwelling was never effectuated and the
9 current owner has no intention of using the
10 property as a four family dwelling and shall
11 continue to use the property as a three family
12 dwelling, one commercial with two car garage in
13 the rear. Approved

14

15 THE SECRETARY: We going to move now to
16 Resolutions.

17 We have on tonight's agenda three
18 Resolutions.

19 Resolution number 1.

20 449 Palisade Avenue, LLC, 912 Bergenline
21 Avenue.

22 This application was approved at the
23 previous meeting.

24 Can I have a motion --

25 VICE CHAIRMAN GRULLON: Motion.

1 THE SECRETARY: -- to approve --

2 MS. GUTIERREZ: Second.

3 THE SECRETARY: -- to adopt this Resolution
4 by Mr. Grullon.

5 MS. GUTIERREZ: Second.

6 THE SECRETARY: Seconded by Ms. Gutierrez.

7 Roll call on the motion.

8 Mr. Grullon?

9 VICE CHAIRMAN GRULLON: Yes.

10 THE SECRETARY: Ms. Gutierrez?

11 MS. GUTIERREZ: Yes.

12 THE SECRETARY: Mr. Pressey?

13 MR. PRESSEY: Yes.

14 THE SECRETARY: Ms. Pena?

15 MS. PENA: Yes.

16 THE SECRETARY: Mr. Cetinich?

17 MR. CETINICH: Yes.

18 THE SECRETARY: Ms. Watley?

19 MS. WATLEY: Yes.

20 THE SECRETARY: Six in favor.

21 Motion carries.

22 * * *

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1 **RESOLUTIONS:**

2

3 (2) The Residences at New York Avenue, LLC,
4 1211 New York Avenue, Block 61.02, Lots 2(22-26).
5 Subdivision of lot unto six new lots (four lots
6 2,784 square feet; one lot 2,976 square feet; one
7 lot 3,200 square feet) with construction of three
8 family dwelling on each new lot for a total of
9 six three family buildings. Approved

10

11 THE SECRETARY: Resolution number 2.

12 The Residences at New York Avenue, LLC,
13 1211 New York Avenue.

14 The application was approved at the
15 previous meeting minutes. I'm sorry. Previous
16 meeting.

17 Can I have a motion to approve this
18 Resolution?

19 Motion by Mr. Pressey.

20 MS. GUTIERREZ: Second.

21 THE SECRETARY: Seconded by Ms. Gutierrez.

22 Roll call on the motion.

23 Mr. Grullon?

24 VICE CHAIRMAN GRULLON: Yes.

25 THE SECRETARY: Ms. Gutierrez?

1 MS. GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Pressey?

3 MR. PRESSEY: Yes.

4 THE SECRETARY: Ms. Pena?

5 MS. PENA: Yes.

6 THE SECRETARY: Mr. Cetinich?

7 MR. CETINICH: Yes.

8 THE SECRETARY: Ms. Watley?

9 MS. WATLEY: Yes.

10 THE SECRETARY: Six in favor.

11 Motion carries.

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1 **RESOLUTIONS:**

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3 (3) Roberto Rodriguez, 1711 Manhattan Avenue,
4 Block 180, Lot 6. Addition to an existing mixed
5 use building to add a new apartment. The
6 building will consist of two commercial units and
7 three residential units. Denied

8

9 THE SECRETARY: Resolution number 3.

10 Roberto Rodriguez, 1711 Manhattan Avenue.

11 This -- this application was denied at the
12 previous meeting.

13 Can I have a motion to approve the denial
14 Resolution?

15 Motion by Ms. Gutierrez.

16 Second by?

17 Mr. Grullon.

18 Roll call on the motion.

19 Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Ms. Pena?

24 MS. PENA: Yes.

25 THE SECRETARY: Mr. Cetinich?

1 MR. CETINICH: Yes.

2 THE SECRETARY: Mrs. Watley?

3 MS. WATLEY: Yes.

4 THE SECRETARY: Five in favor.

5 Motion carries.

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

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1 **ADJOURNMENT:**

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

6 Motion by Ms. Gutierrez.

7 Seconded by Mr. Pressey.

8 All in favor?

9

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

11

12 THE SECRETARY: The ayes have it.

13 Thank you and have a good night.

14 Let the record show that the meeting has
15 ended.

16 Thank you.

17 Good night.

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19 (Whereupon, the proceedings were concluded
20 at 8:50 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, January 9, 2020 and
10 digitally recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon