

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

REGULAR MEETING : TRANSCRIPT OF RECORDED  
: PROCEEDINGS  
:  
:

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City Hall  
3715 Palisade Avenue  
Union City, New Jersey

Thursday, February 13, 2020  
Commencing at 6:10 p.m.

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

MARGARITA GUTIERREZ  
JOHN MEDINA, (Arrived at 6:15 p.m.)  
MIGUEL ORTIZ, (Arrived at 6:13 p.m.)  
ROSIO PENA, Alternate No. 1  
GERALDINE PEREZ, Alternate No. 2  
RAYMOND CETINICH, Alternate No. 3  
MINDRY WATLEY, Alternate No. 4.,  
(Arrived at 6:20 p.m.)  
JOSEPH D. BONACCI, Chairman

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

LIBERO MAROTTA  
DAVID W. PRESSEY  
VICTOR M. GRULLON, Vice Chairman

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

CARLOS VALLEJO, Secretary to the Board  
  
TOMAS R. PANEQUE, ESQ., Board Attorney  
  
DAVID SPATZ, Consultant  
Community Housing and Planning Associates

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

GERARD D. PIZZILLO, ESQ.,  
Attorney for Applicant, 1401-1407 New York Avenue

DONOVAN BEZER, ESQ.,  
Attorney for Applicant, Walter and Esther Zurkovsky

CARLOS RENDO, ESQ.,  
Attorney for Applicant, Ernesto Salgado &  
Guadalupe Marti Salgado

BIANCA P. PEREIRAS, ESQ.,  
Attorney for Applicant, 613 39<sup>th</sup> Street, LLC

BIANCA P. PEREIRAS, ESQ.,  
Attorney for Applicant, Edwin Narvaez

BIANCA P. PEREIRAS, ESQ.,  
Attorney for Applicant, Daisy Valenciano

ROBERT A. FERRARO, ESQ.,  
Attorney for Applicant, Ewald Pries

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Jon W. Weller

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611 11<sup>th</sup> Street

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

3           Please take notice that on Thursday,  
4 February 13, 2020, at six p.m., a Regular Meeting  
5 is scheduled for the City of Union City Board of  
6 Adjustment, to be held in the Municipal Chamber,  
7 located on the Second Floor, 3715 Palisade  
8 Avenue, Union City, New Jersey.

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

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

18           Can everybody kindly rise to the Pledge of  
19 Allegiance, please?

20

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

23

24           THE SECRETARY: Thank you.

25

1     **ROLL CALL:**

2

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

5             Mr. Bonacci?

6             CHAIRMAN BONACCI:  Here.

7             THE SECRETARY:  Mr. Grullon is absent.

8             Mr. Marotta is absent.

9             Ms. Gutierrez?

10            MS. GUTIERREZ:  Here.

11            THE SECRETARY:  Mr. Ortiz is not at this  
12 time, but he will be here.  He's absent.

13            Mr. Pressey is absent.

14            Mr. Medina is absent.

15            Ms. Pena?

16            MS. PENA:  Here.

17            THE SECRETARY:  Ms. Perez?

18            MS. PEREZ:  Here.

19            THE SECRETARY:  Mr. Cetinich?

20            MR. CETINICH:  Here.

21            THE SECRETARY:  Let the record indicate  
22 there are five present.

23            We have a full quorum tonight's meeting.

24                               \* \* \*

25

1     **ADOPTION OF MINUTES:**

2

3       ( 1) Regular Meeting held on January 9, 2020

4

5           THE SECRETARY: We are going to previous of  
6 -- previous meeting minutes.

7           Approval of minutes from January 9, 2020.

8           Can I have a motion?

9           MS. GUTIERREZ: I make a motion.

10          THE SECRETARY: Motion by Ms. Gutierrez.

11          Second the motion by Mr. Bonacci.

12          Roll call on the motion.

13          Mr. Bonacci?

14          CHAIRMAN BONACCI: Yes.

15          THE SECRETARY: Ms. Gutierrez?

16          MS. GUTIERREZ: Yes.

17          THE SECRETARY: Ms. Pena?

18          MS. PENA: Yes.

19          THE SECRETARY: Mr. Cetinich?

20          MR. CETINICH: Yes.

21          THE SECRETARY: Four in favor.

22          Motion carries.

23                           \* \* \*

24

25

1 **Walter and Esther Zurkovsky - 510 26<sup>th</sup> Street:**

2

3 THE SECRETARY: All right.

4 We are going to change the order of  
5 tonight's agenda. We are going to go to number 2  
6 first.

7 Walter and Esther Zurkovsky, 510 26<sup>th</sup>  
8 Street.

9 Mr. Bezer, please?

10 MS. DILLON: Right there to that mic.

11 MR. BEZER: Sure.

12 Good evening, Mr. Chairman, Board members,  
13 Mr. Paneque.

14 My name is Donovan Bezer.

15 I'm here for the applicant, Walter and  
16 Esther Zurkovsky, regarding property at 510 26<sup>th</sup>  
17 Street.

18 In the first instance, I have a copy of an  
19 Affidavit of Service and Publication, with  
20 originals. I'd like to submit that to the Board,  
21 if I may.

22 MR. PANEQUE: Thank you, Mr. Bezer.

23

24 (Whereupon, Miguel Ortiz arrived at 6:13  
25 p.m.)

1

2 MR. PANEQUE: Where are your original --

3 THE SECRETARY: Allow me one record (sic),  
4 please.

5 MR. BEZER: There's an original Affidavit  
6 from me as to service. After that, there's a --  
7 an Affidavit of Publication from The Jersey  
8 Journal.

9 MR. PANEQUE: Okay.

10 MR. BEZER: In the very front. And then --

11 MR. PANEQUE: But these are copies of your  
12 --

13 MR. BEZER: Oh --

14 THE SECRETARY: One second, please.

15 Allow me put in the record that Mr. Ortiz  
16 joined the meeting. We have six Board members  
17 now.

18 Thank you.

19 MR. BEZER: I'm sorry. These came apart.

20 These are the original --

21 MR. PANEQUE: Okay.

22 MR. BEZER: -- green cards, as well as, if  
23 you will, the receipt for --

24 MR. PANEQUE: I don't need the receipt.

25 MR. BEZER: Okay.



1 MR. PANEQUE: Have you gotten any green  
2 cards back, or the return receipts?

3 MR. BEZER: Yes. I -- I haven't tracked if  
4 all -- whether all of them have been signed, but  
5 all of them were sent out.

6 MR. PANEQUE: Okay.

7 You did not bring those with you tonight?

8 MR. BEZER: The -- no, the green --

9 MR. PANEQUE: No? Okay.

10 MR. BEZER: No, I did not.

11 MR. PANEQUE: Bring it at the next meeting.

12 MR. BEZER: Okay.

13 MR. PANEQUE: Okay.

14 Thanks.

15 All right.

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

18 I have an Affidavit, signed by Donovan  
19 Bezer, notarized by notary public Deborah Marra,  
20 indicating that notice of tonight's hearing with  
21 respect to the property in question, which is 510  
22 26<sup>th</sup> Street, Union City, New Jersey, was sent to  
23 all owners within the 200 foot radius of the  
24 property in question.

25 I have a copy of the public notice --

1  
2 (Whereupon, John Medina arrived at 6:15  
3 p.m.)  
4

5 MR. PANEQUE: -- that was sent to all  
6 property owners within the 200 foot radius.

7 And I've also been provided with a copy of  
8 the Affidavit of Publication from The Jersey  
9 Journal, indicating that notice of tonight's  
10 hearing was published on January 23<sup>rd</sup>, 2020.

11 Said notice indicated that the property in  
12 question was 510 26<sup>th</sup> Street. It states that on  
13 the evening of Thursday, the 13<sup>th</sup> of February, at  
14 six p.m., a hearing will be held at this location  
15 with respect to the applicant's application for  
16 the variances needed. The notice appears to be  
17 in proper format.

18 I've also been provided with the certified  
19 mail receipts, both copies and the originals,  
20 which have a stamped date --

21 MR. BEZER: January 21<sup>st</sup>, 2020.

22 MR. PANEQUE: Yeah. I see the January and  
23 I see the 2020. I'm just looking for the -- the  
24 date.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 THE SECRETARY: Let the record reflect that  
3 Mr. Medina joined the meeting at 6:11 (sic) p.m.

4 Thank you.

5 We have seven members now.

6 MR. PANEQUE: Mr. Bezer, your receipts  
7 shows that it was done on the 21<sup>st</sup> of January.

8 MR. BEZER: Yes.

9 MR. PANEQUE: I have it here.

10 Thank you. Okay.

11 Said certified mail receipts indicate that  
12 they were sent out on the 21<sup>st</sup> day of January.

13 I've also been provided with a copy of the  
14 200 foot list from the Union City Tax Assessor of  
15 all property owners within the 200 foot radius.

16 Said list was done by the Tax Assessor,  
17 with a date of February 28<sup>th</sup>, 2018?

18 MR. BEZER: This application has been  
19 pending for some time, so I've gotten several 200  
20 feet notices and just in the interest of full  
21 disclosure, I -- I provided all of them. At the  
22 end is the one that I got in January of this  
23 year.

24 MR. PANEQUE: Okay.

25 MR. BEZER: Or --

1 MR. PANEQUE: It's attached to this --  
2 okay. There's one in December of --

3 MR. BEZER: December 30<sup>th</sup>.

4 MR. PANEQUE: -- 2019.

5 MR. BEZER: Was it '19?

6 MR. PANEQUE: Is that the one you relied  
7 upon?

8 MR. BEZER: Yes.

9 MR. PANEQUE: December 30<sup>th</sup>, 2019.

10 MR. BEZER: Yes.

11 MR. PANEQUE: Okay. That's an acceptable  
12 tax list.

13 Based on the documentation that has been  
14 provided by Mr. Bezer, this Board has  
15 jurisdiction to proceed and hear this matter.

16 Now, I understand you have an application  
17 before we proceed?

18 MR. BEZER: Yes.

19 Thank you, Mr. Paneque.

20 As I said, the application has been pending  
21 for some time. It was submitted in 2018. And I  
22 think it -- it's -- the first date it was put on  
23 was some time in 2019.

24 I -- I am aware that there are not  
25 architectural plans with the application, with

1 the Board Secretary. I don't know how they got  
2 lost. I -- I presumed that it was my mistake, but  
3 I would ask, if I could submit 12 copies of the  
4 architectural plans, and ask the Board to adjourn  
5 this, and just announce the date to which it's  
6 going to be adjourned, so that anybody who wants  
7 to see the plans with the application has the  
8 opportunity to do so.

9 MR. PANEQUE: Okay.

10 So, you're requesting that the Board carry  
11 this matter to the next meeting, which would be  
12 March 12<sup>th</sup>, 2019 (sic), so that you can have the  
13 opportunity to introduce the architectural plans  
14 on your application.

15 Correct?

16 MR. BEZER: Yes.

17 MR. PANEQUE: Now, these are not it.

18 Right?

19 MR. BEZER: Yes.

20 MR. PANEQUE: Where are the full plans?

21 MR. BEZER: Well, the -- the larger plans I  
22 thought would be impractical for the -- the  
23 public to view.

24 MR. PANEQUE: Okay.

25 MR. BEZER: The -- our architect has the

1 | larger plans. In my office, I don't have a  
2 | copier --

3 | MR. PANEQUE: Okay.

4 | MR. BEZER: -- big enough to reproduce the  
5 | -- the big version.

6 | MR. PANEQUE: I'm going to ask the  
7 | following:

8 | I'm going to ask that you request from your  
9 | architect that they give you full plans, that  
10 | they be signed and sealed. And that those plans  
11 | be submitted no later than ten days before the  
12 | next meeting of March 12.

13 | If you can get them in even earlier than  
14 | that, then that will be acceptable, just these  
15 | miniaturized versions --

16 | THE SECRETARY: By 36.

17 | MR. PANEQUE: -- are handy to pass around,  
18 | but they're not really adequate.

19 | MR. BEZER: Okay. Yes.

20 | MR. PANEQUE: So, your architect should be  
21 | able to copy those. They have the facilities to  
22 | do that. Just make sure that they're sealed and  
23 | signed.

24 | Okay?

25 | MR. BEZER: Yes.

1 MR. PANEQUE: And submit -- Mr. Vallejo,  
2 how many copies do you need?

3 THE SECRETARY: Twelve sets.

4 MR. PANEQUE: Okay.

5 THE SECRETARY: The size is 24 by 36.

6 MR. BEZER: Twenty-four by 26.

7 THE SECRETARY: Thirty-six.

8 MR. BEZER: Thir -- 20 -- 36.

9 Gotcha.

10 MR. PANEQUE: And these, you could hold on  
11 to them and if you want to bring them with you at  
12 the next meeting.

13 MR. BEZER: Okay.

14 MR. PANEQUE: Okay?

15 So, for the Board, the request that we have  
16 at this point is to carry this matter to the  
17 March 12<sup>th</sup> meeting in order to allow the applicant  
18 to provide the sealed and signed copies for the  
19 public to view.

20 CHAIRMAN BONACCI: Waive the time  
21 constraints.

22 MR. PANEQUE: Okay?

23 Yeah, Mr. Bezer, you're waiving all  
24 statutory time limits required by this -- for  
25 this Board --

1

2 (Whereupon, Mindry Watley arrived at 6:20  
3 p.m.)

4

5 MR. PANEQUE: -- to hear your application?

6 MR. BEZER: That is correct.

7 MR. PANEQUE: Okay.

8 CHAIRMAN BONACCI: Make a motion to  
9 adjourn.

10 THE SECRETARY: Allow me one second.

11 Let the record indicate that Ms. Watley  
12 joined the meeting at 6:18 (sic) p.m.

13 We have now eight members.

14 Thank you.

15 CHAIRMAN BONACCI: Make a motion to adjourn  
16 this to March.

17 THE SECRETARY: Motion to adjourn this  
18 application for March --

19 MS. GUTIERREZ: I'm --

20 THE SECRETARY: -- 12<sup>th</sup>, 2020.

21 MS. GUTIERREZ: I'm seconding.

22 THE SECRETARY: No new notice required.

23 MS. GUTIERREZ: I'm seconding.

24 THE SECRETARY: By Mr. Bonacci.

25 Seconded by Ms. Gutierrez.



1 Roll call on the motion.

2 Mr. Bonacci?

3 CHAIRMAN BONACCI: Yes.

4 THE SECRETARY: Ms. Gutierrez?

5 MS. GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Mr. Ortiz?

9 MR. ORTIZ: Yes.

10 THE SECRETARY: Ms. Pena?

11 MS. PENA: Yes.

12 THE SECRETARY: Ms. Perez?

13 MS. PEREZ: Yes.

14 THE SECRETARY: Mr. Cetinich?

15 MR. CETINICH: Yes.

16 THE SECRETARY: Seven in favor.

17 Motion carries.

18 Thank you.

19 MR. PANEQUE: If I may, Mr. Vallejo?

20 If anybody here in the public is here for  
21 this application, this is 510 26<sup>th</sup> Street, the  
22 matter has been carried to the March 12<sup>th</sup> meeting.

23 Okay.

24 No further notices are required to be  
25 published or sent to any property owners.

1                   Thank you, Mr. Vallejo.

2                   MR. BEZER:   Thank you very much.

3                   THE SECRETARY:   Thank you.

4                   MR. PANEQUE:   Thank you, Mr. Bezer.

5                   MS. GUTIERREZ:   Thank you.

6                   Have a great night.

7                   MR. PANEQUE:   See you next month.

8                   MR. BEZER:   Thank you.

9                                   \*   \*   \*

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1     **1401-1407 New York Avenue:**

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3             THE SECRETARY: All right.

4             We are going now to 1401-1407 New York  
5 Avenue.

6             Mr. Weller, please?

7             Is a continuation.

8             MR. PIZZILLO: I'm sorry.

9             Good evening, Commissioners.

10            My name is Gerard Pizzillo. I'm an  
11 attorney with Genova Burns in Jersey City, 30  
12 Montgomery Street, 11<sup>th</sup> floor.

13            I'm here tonight on behalf of the  
14 applicant, OM 1401-1407 New York Avenue, LLC.  
15 And the property we're talking about is 1401 New  
16 York Avenue, which is Block 73, Lot 24, located  
17 in the commercial neighborhood zone.

18            As the Secretary alluded to, this was a  
19 carried matter. It was initially brought before  
20 you in December.

21            My client appeared on behalf of the LLC.  
22 He's not a lawyer, and -- as well as there was no  
23 expert testimony or expert retained at that point  
24 to provide the necessary testimony that we need  
25 for the relief that we're seeking.

1           So, the matter was noticed for that  
2 meeting, that hearing. It then was carried to  
3 the January meeting. Unfortunately, I had a  
4 medical situation and Mr. Paneque and the  
5 Secretary were nice enough to adjourn that and  
6 preserve the notice to tonight's hearing.

7           So, we are still operating under -- under  
8 that initial notice that was carried and  
9 preserved.

10           I do have for Mr. Paneque, I know you  
11 requested at the last hearing, just the original  
12 of the Certificate of Mailing from my client. He  
13 took care of the mailing. I know he left with  
14 you, at the last time he was here, the -- the  
15 statutory green cards. So, I'm just  
16 supplementing that with the notice that was sent  
17 out, as well as the 200 foot list and the  
18 confirmation of publication with The Jersey  
19 Journal.

20           MR. PANEQUE: Okay.

21           Thank you, counsel.

22           MR. PIZZILLO: Okay.

23           MR. PANEQUE: Let the record reflect that  
24 I've been provided by applicant's counsel with  
25 certification of mailing, signed by Jon W.

1 Weller, for 1401-1407 New York Avenue, LLC.

2 I've also been provided with a copy of the  
3 notice of the hearing, indicating that notice was  
4 sent with respect to this application.

5 I've also been provided with a tax list  
6 from the Tax Assessor's Office, with -- with a  
7 date of 10/28/19, which would be in line with the  
8 time the meeting first came before this Board,  
9 which was on December 12, 2019.

10 I've also been provided with an Affidavit  
11 of Publication from The Jersey Journal, with a  
12 publication date of November 21<sup>st</sup>, 2019. Said  
13 notice indicated that a meeting was to take place  
14 on December 12, 2019 at six p.m., at this  
15 location, with respect to the property in  
16 question at 1401 New York Avenue.

17 As counsel stated on the record, that  
18 meeting has been carried first to January, and  
19 then because of a medical condition, to tonight's  
20 meeting, so this Board still has continuing  
21 jurisdiction to proceed and hear this matter.

22 Thank you, counsel.

23 MR. PIZZILLO: Thank you, counselor.

24 And -- and so, let me just walk the Board  
25 through kind of where we're at, what the

1 structure --

2 MR. PANEQUE: Yeah.

3 MR. PIZZILLO: -- is.

4 MR. PANEQUE: With your permission,  
5 counsel, I understand that -- I've just been  
6 advised that there is a member of our Board who  
7 actually knows you.

8 MR. PIZZILLO: That's correct.

9 MR. PANEQUE: And has retained you in the  
10 past?

11 MR. PIZZILLO: I don't -- not has retained  
12 me in the past.

13 MR. PANEQUE: No.

14 MS. GUTIERREZ: No.

15 MR. PIZZILLO: I represent another  
16 governmental entity --

17 MR. PANEQUE: Okay.

18 MS. GUTIERREZ: Um hum.

19 MR. PIZZILLO: -- in which one of the Board  
20 members also serves as a Commissioner on that  
21 Board.

22 MR. PANEQUE: Okay.

23 MR. PIZZILLO: But -- so my representation  
24 is to the entity or the --

25 MR. PANEQUE: To the entity.

1           MR. PIZZILLO:  -- the agency, not to the  
2 individual Commissioner.

3           MR. PANEQUE:  Okay.

4           But you have contact with those members of  
5 that agency.

6           Correct?

7           MR. PIZZILLO:  On a monthly basis --

8           MR. PANEQUE:  Okay.

9           MR. PIZZILLO:  -- I appear at a Trust --  
10 Commissioners meetings.

11          MR. PANEQUE:  So, in the interest of  
12 preserving any appearance of impropriety, I'm  
13 going to request that Ms. Gutierrez recuse  
14 herself.

15          MR. PIZZILLO:  Okay.  Understood.

16          MR. PANEQUE:  Okay.  I'm going to have her  
17 step --

18          MR. PIZZILLO:  No problem.

19          MR. PANEQUE:  -- outside.

20          MR. PIZZILLO:  Okay.

21          MR. PANEQUE:  Okay?

22          Thank you, counsel.

23          (Whereupon, there was a pause in the  
24 proceedings.)  
25

1 (Whereupon, Margarita Gutierrez recused  
2 and stepped down from the dais at 6:26 p.m.)  
3

4 THE SECRETARY: Let the record indicate we  
5 have seven members.

6 MR. PANEQUE: Okay.

7 THE SECRETARY: Ms. Gutierrez has recused  
8 on this hearing.

9 MR. PIZZILLO: Okay.

10 So, where we're -- what we're talking  
11 about, 1401 New York Avenue, is a three --  
12 existing three story, approximately 35 to 40 feet  
13 structure. It's mixed use, with ground floor  
14 commercial retail, a ground floor residential  
15 unit and five residential units above.

16 We're here tonight requesting a use  
17 variance to legalize that ground floor unit.  
18 Section 233:42B, sub -- Section B, subsection 2,  
19 sub-subsection D, does not permit ground floor  
20 units in the commercial neighborhood zone.

21 This ground floor unit has predated or  
22 predated the Zoning Ordinance amended, or the  
23 amendment to the Land Development Ordinance.

24 So, in other words, at some point in time,  
25 for a large period of time, this was a permitted



1 use, and it was operating as a continued  
2 permitted use, so far back as 1993, when we -- my  
3 client, or the -- my -- the former owner, who my  
4 client purchased the building from, had to go  
5 through his yearly rent registration statements.  
6 And from those records, like I said, I -- and I  
7 could present these to the Board as -- as  
8 evidence, from as early as late -- or as early as  
9 1993, they classified this structure as a mixed  
10 use structure with six dwelling units and  
11 commercial retail.

12         So, essentially, we're asking for a D  
13 variance tonight, to catch up and it's a  
14 nonconforming -- preexisting nonconforming use.  
15 And we're just asking for that to be legalized as  
16 it was and it continues to operate.

17         The way this -- how this came up, my  
18 clients purchased the property in January of last  
19 year. They were seeking to lease it out to a --  
20 to a Section 8 tenant. As part of that Section 8  
21 process, there has to be an -- an inspection.

22         During the course of that inspection, for  
23 the first time, my clients became aware that even  
24 though it has been operating as a legal unit, it  
25 was illegal because of the change in the zoning.

1           Historically, this has always been a  
2 residential unit. And we're just asking for that  
3 to be back -- put back in place.

4           We're not asking for any additions,  
5 extensions, any sort of construction to the  
6 building. The building is going to stay as is.  
7 It's just really legalizing this unit and  
8 catching everything up.

9           I have one witness, Jeffrey Wenger, who's a  
10 licensed professional planner, who will walk you  
11 through the justifications for the reasons and --  
12 to support the -- the variance that we're  
13 requesting.

14           And you know, if you have any questions for  
15 me at this point, if not, I would ask Mr. Wenger  
16 to step forward and be --

17           CHAIRMAN BONACCI: You just have one  
18 testimony from the planner.

19           MR. PIZZILLO: Correct.

20           CHAIRMAN BONACCI: Okay.

21           MR. PANEQUE: Before we proceed, I -- I  
22 just need a clarification on something,  
23 counselor.

24           MR. PIZZILLO: Sure.

25           MR. PANEQUE: You -- you're looking to

1 | legalize the ground floor unit?

2 |       MR. PIZZILLO: That's correct.

3 |       MR. PANEQUE: Behind the store?

4 |       MR. PIZZILLO: Behind --

5 |       MR. PANEQUE: Behind the commercial  
6 | establishment.

7 |       MR. WELLER: It's not actually behind it,  
8 | it's --

9 |       MR. PANEQUE: Or to --

10 |       MS. DILLON: Mr. Weller --

11 |       MR. PANEQUE: -- the side.

12 |       MS. DILLON: -- you have to come forward.

13 |       MR. WELLER: I'm sorry.

14 |       MS. DILLON: You can't speak --

15 |       MR. PIZZILLO: It's a separate -- it's  
16 | separate from the commercial space.

17 |       MR. PANEQUE: Okay.

18 |       And this will increase the number of  
19 | residential units --

20 |       MR. PIZZILLO: From five to six.

21 |       MR. PANEQUE: Okay.

22 |       Before we get into any testimony, I'm  
23 | looking at the Tax Assessment record, and this is  
24 | the first time I'm looking at it because it was  
25 | just presented to me.

1           We have a memo from the Building  
2 Department, from -- dated January 9<sup>th</sup> of 2020.

3           I don't know if you --

4           MR. PIZZILLO: I have not received that.

5           MR. PANEQUE: Okay.

6           This memo indicates that the property  
7 located at 1401 New York Avenue has -- was  
8 originally a five unit and one commercial.

9           MR. PIZZILLO: Okay.

10          MR. PANEQUE: Okay.

11          The problem that I have is that the five  
12 units, okay, already encompass or already take  
13 into account the unit that's on the ground floor.

14          So, we have a unit on the ground floor, on  
15 this tax assessment, around 1973.

16          MR. PIZZILLO: Okay.

17          MR. PANEQUE: And then, we have two units  
18 on the second and two units on the third.

19          So, where is the sixth unit that you're  
20 trying to legalize?

21          MR. PIZZILLO: And I have -- I have one of  
22 the owner's representatives here.

23          MR. PANEQUE: Okay.

24          MR. PIZZILLO: He may -- you know, and I'll  
25 swear him in or I'll ask Ms. Dillon to swear him

1 in.

2 THE SECRETARY: Would you like a chair?

3 MR. PIZZILLO: No, thank you.

4 THE SECRETARY: You okay?

5 MR. PIZZILLO: I'm good. I appreciate  
6 that, though.

7 MR. PANEQUE: And the reason I'm bringing  
8 this up is because if we go from the 1973  
9 assessment, that ground floor unit was already in  
10 existence. And, in fact, it has a rent. It's --  
11 it's a 4-2-1 unit.

12 MR. PIZZILLO: Okay.

13 MR. PANEQUE: And it has a rent established  
14 at that time of \$115.00.

15 MR. PIZZILLO: Okay.

16 CHAIRMAN BONACCI: I don't think they don't  
17 need to legalize it. It was already legal.

18 MR. PANEQUE: It was legal, so --

19 CHAIRMAN BONACCI: Already --

20 MR. PIZZILLO: Okay.

21 And that -- so in -- and I'm looking  
22 through it here and I can't seem to find it in my  
23 folder, but there -- there -- apparently, at some  
24 point in time, and we have rent registration  
25 statements that say there are six units.

1 MR. PANEQUE: Well, where is the sixth  
2 unit, because there should only be one on the  
3 ground floor, and then two on each floor above.

4 MR. PIZZILLO: Above.

5 You know what we'll --

6 A VOICE: You want swear him in real quick?

7 MR. PIZZILLO: Yeah.

8 MS. DILLON: Just right in front of the  
9 microphone, Mr. Weller.

10 MR. PIZZILLO: Right -- right here.

11 MS. DILLON: No, no. In front of --

12 Please raise your right hand.

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

15 MR. WELLER: I do.

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

18 MR. WELLER: Jon Weller.

19 MS. DILLON: Thank you.

20 MR. PIZZILLO: And Mr. Weller, can you just  
21 explain to the Commissioners who you are and --  
22 you know --

23 MR. WELLER: I'm with Tuli Realty, the  
24 management company that handles this property,  
25 which is the -- in question at the time.

1 I do show one, two, three, four, five, six  
2 residential units, including the 406, and the  
3 retail.

4 MR. PIZZILLO: Okay.

5 Do you know where --

6 MS. DILLON: You have to speak --

7 MR. PIZZILLO: -- 406 is --

8 MS. DILLON: -- up, Mr. Weller.

9 MR. PIZZILLO: Do you know where 406 is  
10 located?

11 MS. DILLON: Okay?

12 MR. PIZZILLO: In the -- you have a --

13 MR. WELLER: Four oh six is the --

14 MR. PIZZILLO: -- like a floor plan?

15 MR. WELLER: -- is the -- is the unit we're  
16 talking about in question here. It's in the --  
17 on the -- on the -- off of the main boulevard  
18 towards the rear of the building.

19 MR. PANEQUE: Other than the commercial  
20 unit on the ground floor, how many residential  
21 units are there on the ground floor?

22 MR. WELLER: I believe there are none on  
23 the ground floor, to be honest with you.

24 MR. PANEQUE: Okay.

25 MR. WELLER: Because when you come into the

1 building, you -- you actually come in and you go  
2 up a staircase immediately.

3 MR. PANEQUE: Okay.

4 MR. WELLER: I don't think there's any  
5 apartment off of that area.

6 MR. PANEQUE: Okay.

7 How many units are on the second floor?

8 MR. WELLER: It may be two, it may be three  
9 to be --

10 MR. PANEQUE: Okay.

11 MR. WELLER: -- honest with you.

12 I -- I apologize. I --

13 MR. PANEQUE: See where I'm -- I'm having a  
14 problem with the application, because you're  
15 coming in asking to legalize the unit on the  
16 first floor, where my tax record from 1973  
17 already show that unit there.

18 MR. PIZZILLO: Right.

19 MR. PANEQUE: So, there's a sixth unit --

20 MR. PIZZILLO: Where?

21 MR. PANEQUE: -- which is probably on the  
22 second floor, which is the one we should really  
23 be talking about. And that's not the application  
24 before the --

25 MR. WELLER: Okay.



1 MR. PANEQUE: -- the Board.

2 MR. WELLER: As is being pointed out to me,  
3 though, like this -- this has a separate  
4 entrance. The -- from the -- the entrance to the  
5 main building and such.

6 MR. PANEQUE: Okay.

7 CHAIRMAN BONACCI: Building. Okay.

8 MR. PANEQUE: Yeah, but --

9 CHAIRMAN BONACCI: Second lot.

10 MR. PANEQUE: The problem is that that  
11 unit, which is listed as a unit on the first  
12 floor, whether it's connected or separated from  
13 the main building, was already there in 1973.

14 And then, we don't have any plans showing  
15 us what's on the second and third floor. So, for  
16 this Board to say we're going to go and legalize  
17 five to six, we may be legalizing something  
18 that's not being presented to the Board.

19 And we have nothing -- that's why I asked  
20 for the plans. Your plans only are limited to  
21 the ground floor. There's nothing for the rest  
22 of the building.

23 So, no, we're giving them a six unit. It's  
24 just that which one is it?

25 We don't know --

1 MR. WELLER: I understand what you're  
2 saying.

3 MR. PANEQUE: -- which one is the -- the  
4 one that's --

5 MR. WELLER: May I -- may I step outside  
6 and make a phone call to see if one of these  
7 units are already on the ground floor --

8 MR. PANEQUE: Okay.

9 MR. WELLER: -- in addition? I can --

10 MR. PANEQUE: Yeah.

11 MR. WELLER: -- make a phone call to that.  
12 I'll be right back.

13 MR. PANEQUE: Sure.

14 Counsel, you see where the --

15 MR. PIZZILLO: No, I understand. I  
16 understand.

17 MR. PANEQUE: You haven't seen the tax  
18 record?

19 MR. PIZZILLO: No. I did not see that.  
20 And the -- and the only thing that we -- like I  
21 said, I was relying off of -- where are those  
22 rent registrations statements?

23 MR. PANEQUE: Okay.

24 We're going to go off the record, so that  
25 we can take a --

1 THE SECRETARY: Two minute break.

2 MR. PANEQUE: Not a break, but just to  
3 clarify this.

4 THE SECRETARY: On the record.

5 Okay, sir.

6 MR. PANEQUE: All right.

7

8 (Whereupon, the Board recessed from 6:36  
9 p.m. to 6:39 p.m.)

10

11 MS. DILLON: On the record.

12 MR. PIZZILLO: Counsel, you want to start?  
13 Go ahead.

14 MR. PANEQUE: Okay.

15 As was brought to the attention of the  
16 Board, there appears to be a discrepancy with  
17 what the applicant is trying to accomplish in  
18 that the tax record from the nineteen seventy-  
19 something assessment already indicated that there  
20 was one unit on the ground floor.

21 The applicant's application came in  
22 indicating that they wanted to go from five to  
23 six residential units, but their plans only show  
24 the layout for one apartment on the ground floor,  
25 and nothing else is shown.

1           These plans are deficient, that they lack  
2 enough information for this Board to make an  
3 informed decision on whether this should be  
4 allowed or not.

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

7           MR. PIZZILLO: The plan -- so, we know that  
8 there's two units on the ground floor. I agree  
9 with counsel that the plans, as submitted, do not  
10 show that second unit, which is, of course, the  
11 unit that we're seeking to get -- you know,  
12 designated as -- as legal -- you know, and the  
13 basis for our use variance.

14           So, I -- I -- with the Board's permission,  
15 and counsel's permission, I would ask that we  
16 carry this, allow us to submit the requisite  
17 revised plans to Secretary, to the Commissioners,  
18 so that you guys have an adequate -- you know,  
19 understanding of what exactly the layout is and  
20 what we're -- what we're seeking.

21           MR. PANEQUE: Okay.

22           CHAIRMAN BONACCI: Would you be able to  
23 provide some photos of the -- the dwelling that  
24 you're looking to legalize, as well, just to get  
25 us a better understanding of --

1 MR. PIZZILLO: Absolutely. No problem. No  
2 problem.

3 And -- and I can look at my calendar. I'll  
4 be here for the next meeting regardless.

5 CHAIRMAN BONACCI: Yeah.

6 MR. PIZZILLO: March 12<sup>th</sup>.

7 CHAIRMAN BONACCI: March 12<sup>th</sup>.

8 MR. PIZZILLO: March 12<sup>th</sup>. Okay.

9 Is there a submission deadline for you?

10 MR. PANEQUE: The plans have to be at the  
11 Secretary's office, at least ten days prior.

12 MR. PIZZILLO: Okay. Okay.

13 MR. PANEQUE: Okay?

14 MR. PIZZILLO: Full size, signed and  
15 sealed?

16 MR. PANEQUE: Full sign -- full size,  
17 signed and sealed.

18 I'm going to request that the plans also  
19 show at least on a bare minimum site, the second  
20 and third floor.

21 MR. PIZZILLO: Okay.

22 MR. PANEQUE: To show those units.

23 MR. PIZZILLO: Okay.

24 MR. PANEQUE: Okay?

25 Because we have to compare that to what we

1 have in the assessment.

2 MR. PIZZILLO: Okay.

3 MR. PANEQUE: And then, if the plans can  
4 show where this sixth unit came from? What space  
5 was utilized for that?

6 MR. PIZZILLO: Okay.

7 MR. PANEQUE: Okay.

8 MR. WELLER: Schematic design or as-built.

9 MR. PIZZILLO: An as-built or a schematic  
10 design, essentially, is --

11 MR. PANEQUE: Yes.

12 MR. PIZZILLO: Okay.

13 MR. PANEQUE: Okay.

14 MR. PIZZILLO: Okay.

15 No, and that's fair. And I don't want -- I  
16 would rather have the Board have everything in  
17 front of them, so --

18 CHAIRMAN BONACCI: You want to --

19 MR. PIZZILLO: You know, we can --

20 CHAIRMAN BONACCI: -- waive a time -- the  
21 statutory time constraints, --

22 MR. PIZZILLO: Yes.

23 CHAIRMAN BONACCI: -- restriction?

24 MR. PIZZILLO: Yes.

25 CHAIRMAN BONACCI: Make a motion to adjourn

1 | this to March.

2 |         THE SECRETARY: Motion on the table to  
3 | adjourn this application for March 12, 2020 by  
4 | Mr. Bonacci.

5 |         MR. ORTIZ: Second it.

6 |         THE SECRETARY: Seconded by Mr. Ortiz.  
7 | Roll call on the motion.

8 |         Mr. Bonacci?

9 |         CHAIRMAN BONACCI: Yes.

10 |         THE SECRETARY: Mr. Medina?

11 |         MR. MEDINA: Yes.

12 |         THE SECRETARY: Mr. Ortiz?

13 |         MR. ORTIZ: Yes.

14 |         THE SECRETARY: Ms. Pena?

15 |         MS. PENA: Yes.

16 |         THE SECRETARY: Ms. Perez?

17 |         MS. PEREZ: Yes.

18 |         THE SECRETARY: Mr. Cetinich?

19 |         MR. CETINICH: Yes.

20 |         THE SECRETARY: Ms. Watley?

21 |         MS. WATLEY: Yes.

22 |         THE SECRETARY: Seven in favor.

23 |         Motion carries.

24 |         MR. PIZZILLO: Thank you, Commissioners.

25 |         Thank you, counsel.

1           Have a nice night.

2           MR. PANEQUE: No further notices will be  
3 required, either published or sent out.

4           And if anybody else is here in the audience  
5 on this matter, it's being carried to March 12.

6           Thank you, counsel.

7           MR. PIZZILLO: Thank you.

8           Thank you.

9           MR. PANEQUE: Feel better.

10          MR. PIZZILLO: Thank you.

11          Thank you.

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

14                                   \* \* \*

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1 **Ernesto Salgado & Guadalupe Marti Salgado -**  
2 **611 11<sup>th</sup> Street:**

3

4 THE SECRETARY: Next application on  
5 tonight's agenda, Ernesto Salgado and Guadalupe  
6 Marti Salgado, 611 11<sup>th</sup> Street.

7 Mr. Mulkay, please?

8 MR. RENDO: I'm the better looking one.

9 CHAIRMAN BONACCI: Brother? Are they  
10 brothers?

11 MR. PANEQUE: No, no. He says that you're  
12 brothers. They're partners.

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

15 MR. PANEQUE: Thank you, sir.

16 THE SECRETARY: Where's Margarita? Let me  
17 call Margarita. Let me call Margarita.

18 Give me two seconds, please.

19 MS. DILLON: He's getting Margarita.

20 MR. RENDO: Ready?

21 MR. PANEQUE: We got to get another Board  
22 member that was recused.

23 MR. RENDO: Oh.

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

1           (Whereupon, Margarita Gutierrez returned to  
2 the dais at 6:46 p.m.)

3           THE SECRETARY: Let the record reflect that  
4 we have eight members now. Ms. Gutierrez joined  
5 the meeting.

6           Thank you.

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

9           MR. PANEQUE: For the record, I've been  
10 provided by Mr. Rendo with the following  
11 documentation:

12           I have an Affidavit of Service, which  
13 indicates that notice of tonight's hearing was  
14 sent to all property owners within the 200 foot  
15 radius.

16           I've also been provided with a copy of the  
17 notice that was served, indicating meeting  
18 tonight, on February 13<sup>th</sup>, at six p.m.

19           I've also been provided with an Affidavit  
20 of Publication from The Jersey Journal. Said  
21 publication took place on January 29<sup>th</sup>. It  
22 indicates that the meeting will take place  
23 tonight at six p.m. at this site, with respect to  
24 the property located at 611 11<sup>th</sup> Street.

25           I've also been provided with the tax list

1 from the Union City Tax Assessor's Office, with a  
2 date of January 14<sup>th</sup>, 2020, listing all property  
3 owners within the 200 foot radius of 611 11<sup>th</sup>  
4 Street.

5 I've also been provided with the certified  
6 mail receipts, with a date of January 24<sup>th</sup>, 2020,  
7 as well as the green cards and envelopes that  
8 have come back to date.

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

12 THE SECRETARY: Thank you, Mr. Paneque.

13 MR. RENDO: Thank you, Mr. Paneque.

14 Carlos Rendo, Mulkay and Rendo,  
15 representing the applicant, Ms. Salgado,  
16 concerning the subject property, 611 11<sup>th</sup> Street.

17 Today, we'll be discussing the -- the  
18 project of converting a one family into a two  
19 family. And I'd like to bring up our architect  
20 to get sworn in.

21 MS. DILLON: Please raise your right hand.

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

24 MR. KALTSIS: I do.

25 MS. DILLON: Please state your name for the

1 record.

2 MR. KALTSIS: It's Demetrios Kaltsis.

3 MS. DILLON: Thank you.

4 MR. RENDO: Okay.

5 Have you testified before this Board  
6 before?

7 MR. KALTSIS: Yes, I have.

8 MR. RENDO: Okay. And would you describe  
9 your qualifications, please?

10 MR. PANEQUE: Mr. Chairman, I believe Mr.  
11 Kaltsis has testified before.

12 CHAIRMAN BONACCI: We accept his  
13 qualifications.

14 MR. KALTSIS: Thank you.

15 CHAIRMAN BONACCI: Thank you.

16 Welcome.

17 MS. DILLON: Mr. Rendo, can I ask you to go  
18 to the --

19 MR. RENDO: Oh, sure.

20 MS. DILLON: -- mic?

21 MR. RENDO: No problem.

22 MS. DILLON: Thank you.

23 MR. RENDO: Okay.

24 All right. Sir, could you please explain  
25 the project concerning the plans you prepared?

1 MR. KALTSIS: Sure.

2 The property in question is -- the property  
3 is located on the south side of 11<sup>th</sup> Street, near  
4 the intersection of 11<sup>th</sup> Street and West Street.

5 It is -- has a width of 25 feet and a depth  
6 of 100 feet, which is the minimum lot size  
7 requirement for this particular zone. It is  
8 located in the R zone district.

9 Currently, there's a one story frame  
10 dwelling on the property that is in poor  
11 condition, that we are proposing to demolish and  
12 construct a new two -- two family dwelling.

13 So, as I stated before, three -- three -- a  
14 three family dwelling is permitted in this zoning  
15 district on a 2500 square foot lot. However, we  
16 are only proposing a two family dwelling.

17 One of the reasons is because currently,  
18 there's a -- an easement on the property, on the  
19 east -- on the western side, that is 6.58 feet,  
20 which limits the footprint that we can construct  
21 on this property.

22 So, as a result of that, we're proposing a  
23 two family dwelling.

24 The two family dwelling will have a front  
25 yard setback of 6.88 feet, where the prevailing

1 setback is 8.37 feet. It will have a side yard  
2 setback of 6.58 on the western side and two feet  
3 on the eastern side, and a 13 foot rear yard  
4 setback, as well.

5 The footprint is 1,247 square feet. And  
6 will consist of a three story structure.

7 We go to Sheet A-3.

8 This depicts the floor plans of the  
9 proposed two family. As you could see here, on  
10 the left -- on the left side, the ground floor  
11 basically consists of a four car enclosed garage,  
12 with a access stair that leads you up to the  
13 first floor, a garbage and recycling area  
14 underneath the main entrance stair, the exterior  
15 stair, located in the front yard.

16 And then, the -- both second and third  
17 floors consists of three bedrooms and two  
18 bathrooms, one of which is a master bedroom  
19 suite, that has its own bath and walk-in closet.  
20 And then, some mechanical spaces are off to the  
21 side.

22 The front area is just a large open space,  
23 which is a living room, dining room and L shaped  
24 kitchen. Basically, this depicts the flat roof  
25 above.

1           We're not proposing any mechanical  
2 equipment on the rooftop. We are proposing two  
3 condensing units in the rear yard, which are  
4 depicted here on the ground floor plan.

5           And finally, Sheet A-4 depicts the front,  
6 side and rear elevations. We basically have a  
7 modern style house, with a combination of  
8 different materials that consists of a wood  
9 siding, as well as a metal clad finish. We have  
10 large glass windows in the front and then, just a  
11 siding finish in the rear and the side -- side  
12 elevations. Side facades.

13           Going back to the Sheet A-1, which has the  
14 zoning table.

15           We are requesting two variances, although  
16 due to the zoning change, I believe one has been  
17 eliminated, which is the rear yard setback. Only  
18 five feet is required now and we have in excess  
19 of that, at 13 feet.

20           So right now, we're only requesting one  
21 variance, which is front yard setback, where 8.37  
22 is required, and we are proposing 6.38. However,  
23 if the Board so desires, we can easily shift the  
24 footprint of the building back two feet to comply  
25 with the front yard setback, as well.

1           So, we can essentially have a variance free  
2 application.

3           MR. RENDO: What is the height of the  
4 subject property?

5           MR. KALTSIS: So the height of the property  
6 is 29.25 feet, where 40 feet is required -- is --  
7 is allowed. And so, we are -- we are within that  
8 height requirement.

9           MR. RENDO: I have no further questions.

10          CHAIRMAN BONACCI: Mr. Rendo, do you have  
11 any other testimonies?

12          MR. RENDO: I do. The planner. Okay.

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

15          MS. DILLON: Sir, please raise your right  
16 hand.

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

19          MR. LEONCAVALLO: Yes, I do.

20          MS. DILLON: Could you please state your  
21 name for the record?

22          MR. LEONCAVALLO: First name is John. Last  
23 name Leoncavallo. It's L-E-O-N-C-A-V-A-L-L-O,  
24 388 Washington Road, Suite E, Sayreville, New  
25 Jersey.



1 MS. DILLON: Thank you.

2 MR. RENDO: Okay.

3 Mr. Leoncavallo, have you testified before  
4 this Board before?

5 MR. LEONCAVALLO: Yes, a number of times.

6 CHAIRMAN BONACCI: Yeah, we remember him.

7 MR. RENDO: Okay.

8 CHAIRMAN BONACCI: We'll accept your  
9 qualifications.

10 Welcome.

11 MR. LEONCAVALLO: Thank you, Mr. Chairman.

12 MR. RENDO: So, were you able to review the  
13 plans and the application and provide a report,  
14 or an expert opinion concerning this matter?

15 MR. LEONCAVALLO: Yes. And I have just  
16 that will help us move quickly through this  
17 application --

18 MR. RENDO: Okay.

19 MR. LEONCAVALLO: -- a couple of exhibits  
20 for the Board if --

21 MR. RENDO: I'd like to mark the plans  
22 Exhibit A-1 and the pictures Exhibit A-2.

23 MR. PANEQUE: The plans exhibit are already  
24 part of your application.

25 MR. RENDO: Oh, they're okay.

1 MR. PANEQUE: Okay. So, we'll just mark  
2 the --

3 MR. RENDO: Do A-1.

4 MR. LEONCAVALLO: A-1.

5 MR. PANEQUE: -- photos A-1.

6 MR. RENDO: Okay.

7 MR. PANEQUE: Yeah.

8 MR. LEONCAVALLO: I'll give you a master.

9 MR. PANEQUE: Thank you, sir.

10 CHAIRMAN BONACCI: You could just pass them  
11 down, if you'd like.

12 MR. LEONCAVALLO: Oh, okay.

13 CHAIRMAN BONACCI: Make it easy.

14 MR. LEONCAVALLO: Easy.

15 CHAIRMAN BONACCI: There we go.

16

17 (Whereupon, Planning Exhibit, (Two Color  
18 Photographs) were received and marked as Exhibit  
19 A-1.)

20

21 MR. RENDO: Okay.

22 So, based on the -- the photographs that  
23 you presented to the Board, could you please  
24 provide your opinion concerning this project?

25 MR. LEONCAVALLO: Sure.

1           I'll just go over the -- the exhibits A-1,  
2 quickly.

3           The first is a picture of the front of the  
4 building as it exists today. It's a single  
5 family house right now, one story, in an R low  
6 residential zone.

7           As you can see, there are some pictures  
8 here, there are some residences here that are  
9 similar to the house, they're two stories. And  
10 then, next to it, on the other side of a  
11 driveway, for the property, which is in -- to the  
12 right, is a four family house and another four  
13 family house is attached to that.

14          And in the area, if you look on the next  
15 sheet, which is A-1 or A-2, that you just had  
16 gotten, right in the middle of that area, with  
17 the red dot, is the property in question. It has  
18 the small porch, one story, flat roof. It's  
19 surrounded to the south, which is to the right of  
20 the page, those four family houses. There are a  
21 number of three -- three families, three stories.  
22 And to the north of this property, there are, as  
23 you can see, two levels without any -- any  
24 parking, just at grade. There's a -- a one  
25 apartment, and then, above that is the second

1 apartment.

2           So, it's -- and then, at the end of the  
3 block, there's a park across the street. So, it  
4 essentially mimics what's -- a lot which is in  
5 the area right now.

6           The surrounding property is mainly  
7 residential. It's a large residential R zone in  
8 -- with this -- within that area there and goes  
9 for many blocks north and south, up to and past  
10 15<sup>th</sup> Street.

11           The property is permitted under your R  
12 zone, which includes one families and two  
13 families and three and four families, and a  
14 number of other uses. And the site plan approval  
15 -- and a site plan approval is not required  
16 because it is a two family.

17           As we talked about -- as the architect  
18 talked about, we could make this variance free.  
19 I didn't know what was in the back. There is  
20 some rather obsolete garage in the back, but I  
21 understand now that everything is being  
22 eliminated on this lot. So, you do have the  
23 capacity to move that smaller structure, which is  
24 a small structure right now, and will still be  
25 one of the smallest structures within the couple

1 of block radius.

2           So, we could eliminate that variance, if --  
3 if the Board feels it's necessary. I'm prepared  
4 to just go over it quickly tonight.

5           The other -- the first variance would be if  
6 you left the -- the footprint where it is, being  
7 proposed, it would be 6.88 feet. It is now six  
8 feet, which is an improvement to what it is  
9 because the prevailing, which has been  
10 calculated, based on the Ordinance, is 8.37 feet.

11           The rear yard setback is required to be 25  
12 feet. That's 25 percent of the depth of the lot.  
13 This is a 25 by a hundred, so obviously, it's 25  
14 feet. We are proposing 13.3 feet.

15           The legal basis and justification for the  
16 relief is based on the flexible C balancing test,  
17 where the benefits of the application outweigh --  
18 wholly outweigh all the detriments.

19           The benefits, if you choose to keep the  
20 property as proposed, and it has these two  
21 variances, the benefits are it's an infill  
22 development. Obviously, it's at the scale of the  
23 surrounding properties. This is probably going  
24 to be the smallest property. It will be three  
25 stories, though, which is permitted and you even

1 -- you -- you also allow four stories.

2           The plan has been scaled back, based on  
3 feedback, I believe, from the Board. The  
4 original was to have a three family with four  
5 stories. We're now cutting that back to two fam  
6 -- two apartments, a parking level underneath at  
7 grade, for the parking requirement. There is no  
8 parking deficit.

9           And I -- it is compatible, as we said, with  
10 the other area to the north and the south, and --  
11 and the attached blocks. A lot of the properties  
12 -- there are still some smaller houses in that  
13 larger residential expansion area of the zone.

14           And you can see that on the -- on the  
15 exhibit. There are two stories and a number of -  
16 - a lot of three story buildings, and a good  
17 number of four story buildings that require --  
18 that are the four family units, or structures.

19           The new building, as you can see from the  
20 plans that you have already, will be an  
21 excellent, very attractive street appearance,  
22 very modernized up-to-date building that will  
23 beautify and be an asset to the neighborhood.

24           It will promote the public welfare by  
25 including and developing new housing in the area

1 to replace the old stock that is, frankly, worn  
2 out at this time, goes back, I believe, probably  
3 to the 1930s.

4 The project will promote efficient use of  
5 the land, the redevelopment area is favored with  
6 compact usage in the area. And -- and really,  
7 goes to show that that is favored as an  
8 alternative.

9 The promotion of the purposes of the  
10 Municipal Land Use Law, especially general  
11 welfare, promotion of general welfare, sufficient  
12 use of residential space in -- in the city,  
13 promotion of a desirable visual environment, that  
14 you can see from the architectural, it is a  
15 pretty building and will really be an asset,  
16 again, to the community.

17 And promotion of -- of the efficient use of  
18 the land would be the last purpose of the  
19 Municipal Land Use Law that would be promoted by  
20 this application.

21 The detriments that we avoid are the front  
22 yard can be improved from the existing condition  
23 and can be improved to the point of a no variance  
24 situation, if that's what the Board would like to  
25 do.

1           The rear yard is similar to other buildings  
2 in the area. Again, you can see in the middle of  
3 the picture, the buildings towards the back and  
4 adjacent to the property to the north is about  
5 the same magnitude of the rear yard setback.

6           The rear yard setback is, with the  
7 variances, over 50 percent compliant. It's  
8 probably more like 53 percent compliant, and the  
9 deviation is 11 feet, which is not significant.  
10 But if you want to note that into the  
11 requirements of the zone, that is possible to do.

12           In conclusion, the application meets the  
13 statutory criteria of the grant of -- of relief,  
14 if you decide that you want to do that. And the  
15 relief that will be granted will not be  
16 substantially detriment to the zoning plan or the  
17 -- or the public good.

18           MR. RENDO: So, showing you A-1, the  
19 exhibit. Is it your testimony that the proposed  
20 project will align better with the properties to  
21 the right and to the left of it, than it is now?

22           MR. LEONCAVALLO: Yes. You can -- as I  
23 said, we can push that back to make that  
24 requirement. I understand now, because we're  
25 really going to be working with a blank slate



1 | that's 25 by a hundred.

2 |           MR. RENDO:   Um hum.

3 |           MR. LEONCAVALLO:    So, if you want to do  
4 | that, I think we can fit in -- I don't know what  
5 | they're going to do with -- they're going to put  
6 | some parking, I believe, in the -- and that will  
7 | be into the --

8 |           CHAIRMAN BONACCI:   Yeah.   Ground floor.

9 |           MR. LEONCAVALLO:   -- on the ground floor.

10 |          CHAIRMAN BONACCI:   Four -- four parking  
11 | spots, ground floor.

12 |          MR. LEONCAVALLO:   You might want to have  
13 | the architect address that if you are going to go  
14 | down to zero.

15 |          CHAIRMAN BONACCI:   Yeah.   We'll -- we'll  
16 | just hear the rest of the testimony and then,  
17 | fire away at the questions of --

18 |          MR. RENDO:   Right.

19 |          CHAIRMAN BONACCI:   -- what's for who.

20 |          MR. LEONCAVALLO:   Okay.

21 |          Well, I'm done.

22 |          MR. RENDO:   Okay.   All right.

23 |          So, we're done.

24 |          CHAIRMAN BONACCI:   All right.   No more  
25 | testimonies.

1 Right?

2 MR. RENDO: Right.

3 CHAIRMAN BONACCI: Okay.

4 I'm not really sure who would best be  
5 suited to answer this question, but it's about  
6 the easement. I think the architect spoke to  
7 that earlier.

8 MR. RENDO: Right.

9 CHAIRMAN BONACCI: Right?

10 MR. RENDO: Come on up.

11 MR. KALTSIS: Yes.

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

14 CHAIRMAN BONACCI: I'm so sorry.

15 MR. KALTSIS: Yes.

16 CHAIRMAN BONACCI: Okay. You spoke earlier  
17 to the easement.

18 MR. KALTSIS: Yes.

19 CHAIRMAN BONACCI: So, exactly how would  
20 that affect this application, affect whoever is  
21 sharing the easement with this structure now?

22 MR. KALTSIS: We are -- so, the easement --  
23 the portion of the easement on this property is  
24 6.58 feet. So, we're proposing the structure to  
25 be right at the edge of that easement, to not

1 | disturb it at all.

2 |           And it appears to be an easement for the  
3 | neighboring lot. So, there's a detached garage.

4 |           CHAIRMAN BONACCI: Right.

5 |           MR. KALTSIS: Well, I'm assuming it was a  
6 | common driveway that served both the existing  
7 | garage that was on this property, and then the  
8 | neighboring -- neighboring garage. We're leaving  
9 | it as is. So, we're not -- we're not effecting  
10 | the neighboring property at all.

11 |           CHAIRMAN BONACCI: So, the neighbor, by  
12 | default, would just get the whole --

13 |           MR. KALTSIS: Correct.

14 |           CHAIRMAN BONACCI: -- driveway and it  
15 | wouldn't be shared anymore.

16 |           MR. KALTSIS: Correct.

17 |           CHAIRMAN BONACCI: Okay.

18 |           That's pretty good. I just spoke to  
19 | counsel, and Mr. Rendo, maybe this is best for  
20 | you.

21 |           MR. RENDO: Right.

22 |           CHAIRMAN BONACCI: So, if you conform with  
23 | the front yard setback, then you really don't  
24 | need the approval of the Board tonight. You  
25 | could just --

1 MR. RENDO: Go ahead and build it.

2 CHAIRMAN BONACCI: Yeah. So, explain to  
3 me, because you know that.

4 MR. RENDO: Right.

5 CHAIRMAN BONACCI: So, you still want that  
6 the way that it is?

7 MR. RENDO: Well, I mean, let me -- let me  
8 discuss it with --

9 CHAIRMAN BONACCI: Yeah.

10 MR. RENDO: -- our --

11 CHAIRMAN BONACCI: Sure.

12 MR. RENDO: -- experts.

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

15 MR. RENDO: All right. I -- I spoke to the  
16 owner. I mean, we could amend the plans and just  
17 submit it without the easement. I mean, without  
18 the variances.

19 CHAIRMAN BONACCI: Yeah. I mean, you know,  
20 any time that we don't have to give any candy  
21 away, especially if you have your own candy.

22 MR. RENDO: Right.

23 CHAIRMAN BONACCI: Right?

24 MR. PANEQUE: And just so that, for the  
25 edification of the Board, the reason that this

1 application is turning out the way it is, is  
2 because when this application originally was  
3 designed, and -- and Mr. Kaltsis can attest to  
4 that, since he's here, the rear yard had a  
5 different size requirement. There's been a new  
6 zoning land use, which now has reduced the rear  
7 yard to five feet. So, therefore, if they take  
8 advantage of that, and move the house back three,  
9 that gives them the front yard, which is ten.  
10 And they still will be in compliance for the rear  
11 yard.

12 The rear yard prior was a 25 foot  
13 requirement. Now, it's down to five. So,  
14 originally, they only had 13 feet left over, and  
15 that's why they were coming in for that variance.

16 That variance is eliminated and it -- if  
17 you have 13 feet and you go back three, you still  
18 have eight?

19 MR. RENDO: Yeah.

20 MR. PANEQUE: And you're -- then you don't  
21 also -- you also get rid of the front yard  
22 variance.

23 MR. RENDO: Right.

24 MR. PANEQUE: And that's all as a result of  
25 the new zoning map that's in --

1 MR. RENDO: Ordinance.

2 MR. PANEQUE: Ordinance.

3 MR. RENDO: Okay.

4 MR. PANEQUE: Okay?

5 So, do you want to withdraw your  
6 application?

7 MR. RENDO: Yeah. We'll withdraw our  
8 application, go straight to the Building  
9 Department.

10 MS. GUTIERREZ: Very nice.

11 MR. RENDO: Thank you.

12 MS. GUTIERREZ: Very nice.

13 MR. RENDO: Thank you.

14 MR. KALTSIS: Okay.

15 Thank you.

16 MS. GUTIERREZ: You're welcome.

17 MR. RENDO: And -- and that way, we prevent  
18 Larry from testifying.

19 MS. GUTIERREZ: Yeah.

20 CHAIRMAN BONACCI: You don't want to take  
21 that chance. You don't want to take that risk.  
22 Don't let Larry sink his teeth into it.

23 MR. PANEQUE: All right.

24 There -- there's a motion to withdraw.

25 MR. PRICE: They paid the price of

1 admission, for me, I'd insist on a vote.

2 MS. GUTIERREZ: There's a motion to  
3 adjourn.

4 MR. PANEQUE: Mr. Vallejo?

5 CHAIRMAN BONACCI: Withdrawn.

6 MS. GUTIERREZ: No motion to adjourn the  
7 application?

8 MR. PANEQUE: You need a motion to have  
9 this withdrawn? Or no?

10 No.

11 How do you want to handle it?

12 THE SECRETARY: The applicant's attorney  
13 put in record that he's withdrawing the  
14 application?

15 CHAIRMAN BONACCI: Yeah, um hum.

16 MR. PANEQUE: All right.

17 So, withdrawn.

18 THE SECRETARY: Withdrawn by the  
19 applicant's attorney.

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

22 \* \* \*

23

24

25

1     **613 39<sup>th</sup> Street, LLC - 611 39<sup>th</sup> Street:**

2

3             THE SECRETARY: Next application on  
4 tonight's agenda, Daisy Valenciano (sic), 613 39<sup>th</sup>  
5 Street, LLC, 611 39<sup>th</sup> Street.

6             Ms. Pereiras, please?

7             MS. PEREIRAS: Counsel, I gave --

8             MR. PANEQUE: Yes.

9             MS. PEREIRAS: -- you the --

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

12            THE SECRETARY: Give me two -- I'm sorry. I  
13 apologize.

14            Let me just go to 39<sup>th</sup> Street. One second.  
15 One second. I'm sorry.

16            MS. PEREIRAS: That's all right.

17            MS. DILLON: What are we doing, Carlos?

18            THE SECRETARY: 613 39<sup>th</sup> Street, LLC, 611  
19 39<sup>th</sup> Street.

20            Thank you.

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

23            MR. PANEQUE: We're doing 611 39<sup>th</sup> Street?

24            THE SECRETARY: Yes, but the corporation is  
25 613 39<sup>th</sup> Street, LLC.



1 MR. PANEQUE: Okay.

2 MS. PEREIRAS: Yes.

3 MR. PANEQUE: Got it.

4 We're good now.

5 All right. For the record, I've been  
6 provided by Ms. Pereiras, with the following  
7 documentation:

8 I have a certification as to publication  
9 and service, indicating that notice of tonight's  
10 hearing with respect to the property in question,  
11 at 611 39<sup>th</sup> Street, was given to all property  
12 owners within the 200 foot radius. Said notice  
13 was mailed on February 3<sup>rd</sup>, 2019.

14 I've also been provided with an Affidavit  
15 of Publication from The Jersey Journal,  
16 indicating that notice of tonight's hearing with  
17 respect to the property at 611 39<sup>th</sup> Street was  
18 published in the newspaper on January 31<sup>st</sup>, 2020,  
19 indicating the meeting for tonight at this  
20 location, with respect to the property in  
21 question.

22 I've also been provided with the certified  
23 mail receipts with a postmark date of January  
24 31<sup>st</sup>, 2020, as well as the Union City Tax  
25 Assessor's 200 foot list with a date of January

1 27, 2020, with respect to the property in  
2 question, as well as the certified receipts that  
3 have come back to date.

4 Based on the documentation that has been  
5 provided by Ms. Pereiras, this Board has  
6 jurisdiction to proceed and hear this matter.

7 MS. PEREIRAS: Thank you.

8 Good evening, counsel, Mr. Chairman,  
9 members of the Board.

10 May it please the Board, Bianca Pereiras on  
11 behalf of the applicant, 613 39<sup>th</sup> Street, LLC, for  
12 property located at 611 39<sup>th</sup> Street.

13 Just to provide the Board with a little  
14 history, we have previously -- we previously  
15 appeared before the Union City Planning Board to  
16 subdivide what was a very large property. We  
17 went -- when we received that subdivision, we  
18 also received an approval to build a three  
19 family.

20 The application before the Board this  
21 evening is that newly created adjacent lot.  
22 We're also looking to create a three family.

23 The reason that we're before this Board is  
24 that a portion of our property is located in the  
25 CN zone, while the remainder is located in the RM

1 zone. So, we have an irregular lot, with about  
2 625 square feet located within the CN zone.

3 We have one expert to testify before the  
4 Board this evening, and that is our architect,  
5 Mr. Manuel Pereiras.

6 MS. DILLON: Please raise your right hand.

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

9 MR. PEREIRAS: I do.

10 MS. DILLON: Please state your name for the  
11 record.

12 MR. PEREIRAS: Manny Pereiras,  
13 P-E-R-E-I-R-A-S, with Pereiras Architects  
14 Ubiquitous, 1116 Summit Avenue, Union City.

15 MS. DILLON: Thank you.

16 MS. PEREIRAS: For purposes of the record,  
17 Mr. Pereiras has testified in the past before  
18 this Board.

19 CHAIRMAN BONACCI: Welcome.

20 MR. PEREIRAS: Thank you.

21 Good to be here.

22 MS. PEREIRAS: Mr. Pereiras, are you  
23 familiar with the property at 611 39<sup>th</sup> Street?

24 MR. PEREIRAS: I am.

25 MS. PEREIRAS: And would you kindly

1 describe the project for the Board?

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

3 Let's go back in history a little bit and I  
4 want to explain to you what was done before the  
5 Planning Board, so that you can really understand  
6 the project.

7 If you make a left on 39<sup>th</sup> Street, if  
8 you're going north, you make a left, and you go  
9 down, there is the Union City Housing on the  
10 right, on the left hand side there's this big  
11 concrete retaining wall. The property right  
12 before that concrete retaining wall is this  
13 property. There's an old dilapidated house  
14 there. Okay.

15 We're proposing to tear that house down.  
16 Now, this site is a very difficult site, because  
17 the topography of it is difficult because it  
18 tapers up significantly. It goes from elevation  
19 point 168 and up, almost ten feet, when it gets  
20 to the rear of the property. So, we're dealing  
21 with a very difficult topography.

22 What we did is Union City wants 25 by 100  
23 lots. We split up a 25 by 100 lot perfect and we  
24 proposed a simple three family house, the way we  
25 want in Union City. And we got that approved by

1 the Planning Board.

2           The remaining lot is actually a lot bigger  
3 than 25 by a hundred, because we have 25 width  
4 along the back, and -- and this is the new lot  
5 that we have. It's 25 by a hundred depth, but in  
6 the front, we have a greater frontage. We  
7 actually have 50 feet of frontage. And then,  
8 another 25 feet back. So, we have another,  
9 basically, an appendage of 25 by 25. So we have  
10 a lot that's a typical 25 by a hundred, plus that  
11 lot.

12           But why are we before this Board? That's a  
13 good question, and not the Planning Board.

14           We're proposing a three family house.  
15 Typically, you would think the Planning Board.  
16 The strange thing is, that if you look at the  
17 Union City zoning, this little portion of it is  
18 in the -- is in the CN zone. So, this is --  
19 should be commercial on the ground floor. It  
20 definitely shouldn't be. This is turning the  
21 block. It's already well into it. It's  
22 definitely a mistake with the boundaries the way  
23 we do our zoning, but we have to deal with it,  
24 and that's why we're before this Board.

25           So, we're presenting a three family house

1 and we have a few variances. Also, because we  
2 submitted prior to the zoning change, because  
3 now, after the zoning change, we would have no  
4 variances, other than the use variance that we're  
5 before this Board.

6 So, what do I mean by that?

7 We comply with what was the Master Plan  
8 when we submitted this, and what's the Ordinance  
9 now. We have five foot in the rear yard of the  
10 property. We have two feet on one side. We have  
11 three feet on the other. And then, in the front,  
12 we are -- the building itself, it's set back  
13 significantly. What we have on the edge is what  
14 we created as a garage. And the nice thing is,  
15 since we have that property, we're able to fit  
16 cars a lot more comfortably, and it makes sense  
17 economically for the client, because we don't  
18 want to excavate the back of it, because that's  
19 all rock. So, we really can't go in there.

20 So, it works out very well that we can  
21 provide parking along the front of the building.

22 So, now, I'm going to turn to Sheet Z02.

23 And Z02, we can see the ground floor plan.  
24 So, with this ground floor plan, we can see that  
25 we're creating the entrance of the building from

1 the sidewalk. You're going to take stairs up to  
2 create a porch along the front of the building.  
3 And we have the parking for the six cars; two  
4 along the side and four along the back. It's  
5 actually the same as what we normally provide and  
6 what's our normal plan, but instead of having  
7 these on the side, very tight, they're actually  
8 much more comfortable here in this extra space.

9         So, it actually is a very comfortable fine  
10 parking arrangement. And the cars all come out  
11 of the garage doors, one single garage door, so  
12 it's no more difficult than if it was just a  
13 simple classical three family house.

14         Then, what we did is we pushed the building  
15 back and we built it, basically, on top of that  
16 high portion of the land. And we have three  
17 stories sitting there.

18         We have the ground story and you enter  
19 through here. And you have a simple apartment,  
20 open floor plan, living room, dining room,  
21 kitchen, and then, bedrooms in the back. We have  
22 three bedrooms, with a master in the back being  
23 18.8 by 13.2, with its walk-in closet and  
24 bathroom.

25         And then, what we did upstairs, we have a

1 very unique opportunity here because it's a three  
2 story building and not a four story building.  
3 And let me just -- in order for us to really  
4 understand that, I'm going to flip forward, and  
5 then come back.

6 As you could see, this is the side view of  
7 the building. And this right here is the portion  
8 up high on the ground with -- without being  
9 excavated. So, this is three stories. And then,  
10 the front, where we have the parking, is over  
11 here; that's four stories.

12 But since our building will be classified  
13 as a three story building, because the average  
14 grade is here, we're able to do a different  
15 design of the apartment. So, instead of having a  
16 flat apartment, and another flat apartment, we're  
17 able to do something a little bit more  
18 interesting and create duplex apartments.

19 So, on the top two floors, we have a duplex  
20 apartment in the front and a duplex apartment in  
21 the rear. At the end of the day, we still have a  
22 three family. We still have three bedrooms for  
23 each of the -- the apartments, but it's a much  
24 nicer, much simpler unit, so that you come in to  
25 this floor, this apartment, and you have your



1 living space on this floor: living room,  
2 kitchen, dining room, bathroom, half bath on this  
3 floor, laundry and -- and mechanical systems.  
4 And then, you take the steps within your own  
5 apartment, up here, and you have the three  
6 bedrooms on top. So, it's a nice simple design.

7 And then, the front of the building, we  
8 created a very simple, all brick, beautiful  
9 façade, so that the front base, we have a very  
10 classical, kind of stone block look for the  
11 bottom level. And then, above, all brick, so  
12 that it really matches the neighborhood, it  
13 matches the brick around the area, the -- the  
14 stone matches the -- the concrete of the  
15 neighbor, the adjoining property. And it fits  
16 very well into the neighborhood, and it fits  
17 perfectly to what we want as our Master Plan, as  
18 a three family and perfectly with the -- the new  
19 Ordinance that's in place today.

20 CHAIRMAN BONACCI: Do you guys have any  
21 more testimony?

22 MS. PEREIRAS: No, we do not.

23 CHAIRMAN BONACCI: Okay.

24 So, let me go back to the drawing board for  
25 a second.

1 MS. PEREIRAS: Um hum.

2 CHAIRMAN BONACCI: So, subdividing the two  
3 lots.

4 MR. PEREIRAS: We already did.

5 CHAIRMAN BONACCI: That's done.

6 MS. PEREIRAS: Yes.

7 CHAIRMAN BONACCI: And the purpose of the  
8 subdivision is just for this one three family.

9 MR. PEREIRAS: So, we created two --

10 CHAIRMAN BONACCI: Or is --

11 MR. PEREIRAS: -- three families.

12 CHAIRMAN BONACCI: Okay.

13 MR. PEREIRAS: So, it's a too big of a lot.  
14 Union City doesn't recognize lots that are  
15 bigger, so we needed to work with 25 by 100 lots.

16 So, we created this lot, got that approved.  
17 It's a three family house. It's to the south.  
18 It's to the east. It actually -- I'm sorry.  
19 It's to the west.

20 So, the immediate property to the west,  
21 that was already approved by Union City, the  
22 Union City Planning Board. Nothing to do with  
23 this Board right now.

24 The lot that we're talking about is this  
25 one. This L shape. And that, we want a three

1 family. And we're bigger than a 25 by a hundred.

2 CHAIRMAN BONACCI: It seems like it's  
3 really good planning on your part.

4 MR. PEREIRAS: Um hum.

5 CHAIRMAN BONACCI: And it's good use of the  
6 --

7 MR. PEREIRAS: Um hum.

8 CHAIRMAN BONACCI: -- site.

9 Can you tell us a little bit about the  
10 bedroom size, and the bedrooms?

11 MR. PEREIRAS: Absolutely.

12 CHAIRMAN BONACCI: The -- the square  
13 footage of the bedrooms?

14 MR. PEREIRAS: Absolutely.

15 So, this is a nice new beautiful apartment.  
16 And let -- let me just take one of the apart --  
17 well, I'm going to do examples two apartments.

18 Number one, the master bedroom is 13.2 by  
19 18.8. So, it's a nice large room.

20 The secondary bedrooms are two different  
21 dimensions. One is 12 by 11 and the other one is  
22 11 by 11. And to be very precise, it's ten foot  
23 ten inches by 11.

24 So, the smallest room is way over a hundred  
25 square feet. It's -- you have a hundred square

1 feet. Actually, it's one -- 121 square feet.

2 And then, to -- for the other layouts, the  
3 duplex layouts, we have nice large rooms, as  
4 well. The master is 18.8 by 11.7. The one on  
5 this end is 17 by 12.8. And the small -- the  
6 next room is ten by 15. And the smallest room is  
7 nine foot ten by 11 foot five. So, they're all  
8 ample size, nice rooms, with a lot of glass,  
9 windows, good comfortable design.

10 CHAIRMAN BONACCI: Manny, could you tell us  
11 about fire safety, emergency egress?

12 MR. PEREIRAS: Be very happy to.

13 So, because we are brand new three family  
14 house, we have to meet all the requirements of  
15 not just the Uniform Construction Code for the  
16 State of New Jersey, but also the International  
17 Building Code. And since we may have to comply  
18 with 2015, maybe 2018, depends on when we get  
19 this submitted in, but we have a fully  
20 sprinklered building. We have all the fire  
21 separations between the building. We have fully  
22 alarmed, low voltage in all the common areas, 110  
23 volt within the new apartments.

24 This will meet all the requirements of  
25 today's strictest code.

1 CHAIRMAN BONACCI: Okay.

2 Now, with regards to the variances, besides  
3 the C variance for the height, and that's only  
4 four inches.

5 Right?

6 That you would be over the 40 feet, four  
7 inches?

8 MR. PEREIRAS: So, just to be clear, we are  
9 only four inches over. However, if let's say we  
10 remove this project and resubmitted it, that  
11 wouldn't even be a variance because the new  
12 Ordinance allows us to go up to 45 feet.

13 So, yes, it's a variance. Technically, we  
14 have a C variance before this Board on height.  
15 If this was resubmitted, that would go away. And  
16 let me walk you through the rest of the  
17 variances, as well.

18 We have a variance for rear yard because  
19 this was submitted prior to the new Ordinance.  
20 So, we have five foot, which is in compliance  
21 today. But when we submitted this, it had to be  
22 25 percent of the lot, 25 feet.

23 We have a variance for -- for -- I have a  
24 -- says here, a variance for side yard. Oh,  
25 because on this level, the lower level garage, we

1 | went up to the property line on all the sides.  
2 | So, that's technically a side yard variance, but  
3 | that's on the lower ground. We have the concrete  
4 | wall on this end and it's -- we're dealing with  
5 | the topography. So, there's no real opportunity  
6 | to set that back.

7 |         So, we have side yard variances there that  
8 | we're requesting a C variance for. And that  
9 | would be true before and today, with the new  
10 | Ordinance, as well.

11 |         Building height we mentioned.

12 |         We're in compliance and we're in compliance  
13 | with everything else, except for the D variance,  
14 | which is the use.

15 |         CHAIRMAN BONACCI: Use because of the zone  
16 | that it's in.

17 |         MR. PEREIRAS: Because this portion of the  
18 | lot falls under the CN zone, commercial.

19 |         CHAIRMAN BONACCI: Okay.

20 |         And then, with the parking variance --

21 |         MR. PEREIRAS: No parking variance. We  
22 | comply.

23 |         CHAIRMAN BONACCI: Okay.

24 |         MR. PANEQUE: Mr. Spatz, is that --

25 |         MR. PEREIRAS: Oh.

1 MR. SPATZ: Yeah?

2 MR. PANEQUE: -- are they in compliance  
3 now, because you indicate seven?

4 MR. SPATZ: Yeah, they're in compliance  
5 with the current Ordinance --

6 MR. PEREIRAS: Yes, that's true.

7 MR. SPATZ: -- which has a different  
8 standard. We don't -- it doesn't use the  
9 Residential Site Improvement Standards any  
10 longer, it uses a local standard.

11 MR. PEREIRAS: That's correct. So  
12 technically --

13 MR. SPATZ: So, the six would -- right.  
14 The six is what would be required under the  
15 current standard. It'd be at worst case, a de  
16 minimis exception from the Residential Site  
17 Improvement Standards, but it's what the current  
18 Ordinance would require.

19 MR. PANEQUE: Okay.

20 CHAIRMAN BONACCI: So basically, if it was  
21 resubmitted, you guys would only need maybe like  
22 two of the variances in total.

23 MR. PEREIRAS: That's correct.

24 CHAIRMAN BONACCI: Maybe three.

25 MR. PEREIRAS: Well, the use variance and

1 | then the side yard setback.

2 |         CHAIRMAN BONACCI: All right, so okay.

3 |         Questions from the Board?

4 |         Going open it to the public.

5 |         Open to the public.

6 |         Questions?

7 |         Okay. One second.

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

10 |         MR. PANEQUE: They don't have a planner.

11 |         CHAIRMAN BONACCI: Okay. If they need one  
12 | down the road.

13 |         MR. PANEQUE: I mean --

14 |         CHAIRMAN BONACCI: You know what I mean?

15 |         MS. PEREIRAS: Would the Board like to hear  
16 | from a planner?

17 |         CHAIRMAN BONACCI: I think that just to  
18 | make sure --

19 |         MS. PEREIRAS: We reserved on it --

20 |         CHAIRMAN BONACCI: -- there's no hold ups  
21 | down the road and to see this -- because it looks  
22 | like a great project, and it's a great use of --  
23 | you know, the land that you have there, and  
24 | subdividing it was a good thing. You know?

25 |         MR. PEREIRAS: Yeah, I don't think we're



1 going to have any objection from the public.

2 That said --

3 CHAIRMAN BONACCI: I'm just looking out for

4 --

5 MR. PEREIRAS: -- the --

6 CHAIRMAN BONACCI: -- project -- you know?

7 MR. PEREIRAS: -- the standards that a  
8 planner would say, I'm -- I'm going to attempt to  
9 -- and if the Board wants it, we'll get a planner  
10 right away and we'll get in here.

11 CHAIRMAN BONACCI: I'm -- yeah.

12 MR. PEREIRAS: I'm just -- I'm saying that  
13 this is a really a weird place where they drew  
14 the line. It's not -- I'm not -- and I'll leave  
15 it at that. I won't expand on that.

16 CHAIRMAN BONACCI: All right. I just --

17 MR. PANEQUE: Yeah, the only concern, and  
18 I'll address counsel, Ms. Pereiras, is, as you  
19 know, that on a use variance, there's case law --

20 MS. PEREIRAS: Um hum.

21 MR. PANEQUE: -- that is clear that a  
22 planner must be introduced to present your case.

23 Now, it's your call. Okay. If you choose  
24 to proceed without a planner, and I think the  
25 concern of the Chairman is that if it's

1 | challenged, you're going to get it thrown back at  
2 | you on a technicality.

3 | MS. PEREIRAS: I understand.

4 | MR. PANEQUE: But if we leave it -- it's  
5 | your call.

6 | MS. PEREIRAS: I'd like an opportunity to  
7 | confer with my client if --

8 | MR. PANEQUE: Sure.

9 | MS. PEREIRAS: -- the Board will be so  
10 | kind?

11 | Thank you.

12 | MR. PANEQUE: Off the record, please.

13 |

14 | (Whereupon, the Board recessed from 7:29  
15 | p.m. to 7:30 p.m.)

16 |

17 | MS. DILLON: On the record.

18 | MS. PEREIRAS: Mr. Chairman, --

19 | CHAIRMAN BONACCI: Um hum.

20 | MS. PEREIRAS: -- Counsel, we understand  
21 | the risk and we understand it's a valid concern.  
22 | However, my client would like to proceed and --  
23 | and request that the Board vote on this tonight.

24 | CHAIRMAN BONACCI: Okay.

25 | I just wanted to clarify that I feel that

1 | this is a beneficial use. It's a very good use  
2 | of the -- the space, and it's a -- promotes the  
3 | general welfare, consistent with the zoning --  
4 | the Zoning Ordinance and the Master plan.

5 | I would just recommend that maybe you want  
6 | to go to the people in the neighborhood and let  
7 | them know, just so that it's a welcome addition  
8 | to the neighborhood, and not something that  
9 | somebody's going to kind of challenge later.

10 | So, by getting it out there and letting  
11 | people know what's coming, could probably  
12 | alleviate that concern.

13 | So, with that, I'd make a motion to approve  
14 | the application.

15 | THE SECRETARY: Motion to approve the  
16 | application by Mr. Bonacci.

17 | MS. GUTIERREZ: I'm seconding.

18 | THE SECRETARY: Seconded by Ms. Gutierrez.

19 | Roll call on the motion to approve this  
20 | application.

21 | Mr. Bonacci?

22 | CHAIRMAN BONACCI: Yes.

23 | THE SECRETARY: Ms. Gutierrez?

24 | MS. GUTIERREZ: Yes.

25 | THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Ms. Pena?

5 MS. PENA: Yes.

6 THE SECRETARY: Ms. Perez?

7 MS. PEREZ: Yes.

8 THE SECRETARY: Mr. Cetinich?

9 MR. CETINICH: Yes.

10 THE SECRETARY: Seven in favor.

11 Motion carries.

12 MS. PEREIRAS: Thank you --

13 THE SECRETARY: Thank you.

14 MS. PEREIRAS: -- all very much.

15 Thank you.

16 MS. GUTIERREZ: You're welcome.

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

19 \* \* \*

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1 **Edwin Narvaez - 1311 New York Avenue:**

2

3 THE SECRETARY: Next application on  
4 tonight's agenda, Edwin Narvaez, 1311 New York  
5 Avenue.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Thank you.

8 MR. PANEQUE: For the record, I've been  
9 provided by Ms. Pereiras with the following  
10 documentation:

11 I have a certification as to publication  
12 and service, with respect to the property at 1311  
13 New York Avenue, indicating that notice was sent  
14 to all property owners within the 200 foot radius  
15 of said property on February 3<sup>rd</sup>, 2020, and it's  
16 signed by Ms. Pereiras.

17 I've also been provided with an Affidavit  
18 of Publication from The Jersey Journal,  
19 indicating that notice was published in the paper  
20 on January 31<sup>st</sup>, 2020, giving notice of tonight's  
21 hearing on the 13<sup>th</sup> of February, with respect to  
22 the property in question, 1311 New York Avenue.

23 I've also been provided with the certified  
24 mail receipts, with a postmark date of January  
25 31<sup>st</sup>, as well as the 200 foot list from the Tax

1 Assessor's Office, with a date of January 27,  
2 2020, as -- as well as the certified mail  
3 receipts that have come back to date.

4 Based on the documentation that has been  
5 provided by Ms. Pereiras, this Board has  
6 jurisdiction to proceed and hear this matter.

7 MS. PEREIRAS: Again, thank you.

8 Bianca Pereiras, on behalf of the  
9 applicant.

10 THE SECRETARY: Thank you.

11 MS. PEREIRAS: The property in question,  
12 located at 1311 New York Avenue, is currently a  
13 two family home. We are looking to maintain it  
14 as a two family home.

15 The application before the Board this  
16 evening is to construct a first floor addition to  
17 the rear of the property, to enlarge the living  
18 space.

19 We have one expert to testify before the  
20 Board this evening, and that is our architect,  
21 Mr. Manuel Pereiras.

22 MS. DILLON: Mr. Pereiras continues under  
23 oath.

24 CHAIRMAN BONACCI: Um hum.

25 MR. PEREIRAS: I recognize that.

1 MS. PEREIRAS: Mr. Pereira, are you  
2 familiar with the property located at 1311 New  
3 York Avenue?

4 MR. PEREIRAS: I am.

5 MS. PEREIRAS: And did you prepare the  
6 drawings that are before the Board?

7 MR. PEREIRAS: I have.

8 MS. PEREIRAS: And would you kindly  
9 describe the project?

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

11 We have a preexisting two family house.  
12 And quite simply, the family that lives there  
13 outgrew it. They need more space. They can't  
14 find another property. They want to do a simple  
15 addition to the back. It's actually a very small  
16 addition.

17 The existing house has a three foot point  
18 -- 3.2 setback on the side. They're maintaining  
19 that 3.2 setback and they're going back 24 feet  
20 in the rear. And we still have a big rear yard  
21 setback, 28 point -- 28 feet five inches, which  
22 is more than what's required. We're only  
23 required 25, even in the old Ordinance. Only  
24 five feet under the new Ordinance.

25 So, this is a very, very modest

1 application. They're not even going across the  
2 entire length of the house.

3 They're setting back their house another  
4 five -- six feet four inches. And in that  
5 portion, between the house and the property line,  
6 they're doing a deck.

7 Very simple addition, just basically a one  
8 story small room, so that they have room for  
9 their growing family.

10 There are existing nonconformities. We're  
11 actually not creating any new ones.

12 We have existing nonconformities for  
13 maximum -- minimum lot size, because we're just  
14 shy. The lot is 2,457 square feet, when 2,500  
15 are required. And that's because we have a lot  
16 width of 24.57. So, for a few -- let's -- it's  
17 five inches short of being a complying lot width-  
18 wise.

19 We have an existing side yard variance,  
20 because the house is up against the adjacent  
21 building. It's an adjoining, a party wall along  
22 that portion. But our addition is set back from  
23 that, as well.

24 Showing you the plan.

25 And technically, we have a variance for



1 parking as well, because we're creating another  
2 bedroom and we're not adding any parking.  
3 There's no opportunity to add parking on this  
4 property, so we're expanding that variance.

5 But as you could see, what we're basically  
6 creating is the two bedrooms along the back, a  
7 bedroom that's 11.2 by 13.2, and a bedroom that's  
8 9.5 by 12 feet. And they -- they have a small  
9 hallway that goes to each bedroom. And it opens  
10 up to a deck, and the deck is going to have a few  
11 steps to take it to the rear yard.

12 Very simple addition. If you're looking at  
13 the house from the rear, it's going to look like  
14 this. This is the portion, the new addition.  
15 It's going to be vinyl siding. We have windows  
16 along the rear and -- and one new window along  
17 the side yard.

18 To talk a little bit about Code and safety.  
19 The Code requirements for this are very different  
20 from the Code requirements of what I spoke about  
21 earlier today.

22 This is a two family house, which is a lot  
23 less stringent, but it still has to comply with  
24 all those Codes. So, there's fire safety between  
25 the units, there's a one hour separation between

1 | them. There is no sprinkler system, but there is  
2 | an alarm system that goes into this house. And  
3 | the property, because of its proximity on the one  
4 | side, is going to be a one hour rated wall on one  
5 | side, and this deck, because it's so close to the  
6 | property line, is going to be a noncombustible  
7 | deck. So, we're going to do a sub-floor made out  
8 | of metal or fire treated wood. And the top  
9 | decking is going to be made out of a fireproof  
10 | material. It could be Trex. It could be a  
11 | couple other things, but it's something that's  
12 | not combustible, can't ignite in fire. So --

13 |         MS. PEREIRAS: And just, if I may clarify  
14 | real quickly for the Board, we're technically in  
15 | the CN zone. And because we're in the CN zone,  
16 | two families are technically not permitted. So,  
17 | we do have a D-2 use variance --

18 |         MR. PEREIRAS: Yes.

19 |         MS. PEREIRAS: -- as an expansion of a  
20 | nonconforming use.

21 |         MR. PEREIRAS: And that's a preexisting  
22 | condition. This two family house has been there.  
23 | The front is not changing in any way, nothing  
24 | that effects the zone or the character of the  
25 | neighbor -- the neighborhood.

1 CHAIRMAN BONACCI: Okay.

2 Just to recap, so you got a two family  
3 home, you're adding two bedrooms --

4 MR. PEREIRAS: Yes.

5 CHAIRMAN BONACCI: -- to the ground floor.

6 MR. PEREIRAS: Yes.

7 CHAIRMAN BONACCI: It's in the CN zone.

8 How many bedrooms were there originally?

9 MR. PEREIRAS: So, in the existing house,  
10 there was a one bedroom on that level.

11 CHAIRMAN BONACCI: One bedroom on that  
12 level.

13 MR. PEREIRAS: Yeah.

14 CHAIRMAN BONACCI: And in total?

15 MR. PEREIRAS: So, now, we're proposing  
16 three bedrooms in total, two new ones. And on  
17 the second floor, the second apartment --

18 CHAIRMAN BONACCI: Right.

19 MR. PEREIRAS: -- which we're not changing  
20 in any way whatsoever, there are two bedrooms in  
21 that apartment.

22 CHAIRMAN BONACCI: So, there's multiple  
23 apartments.

24 MR. PEREIRAS: It's a two family house. So  
25 apartment one and apartment two.

1           CHAIRMAN BONACCI: And it's the family on  
2 the ground floor that needs the two extra  
3 bedrooms.

4           MR. PEREIRAS: The homeowners are on the  
5 ground floor. And they're the ones that need the  
6 two extra bedrooms.

7           CHAIRMAN BONACCI: And it's because their  
8 family outgrew the home.

9           MR. PEREIRAS: That's correct.

10          CHAIRMAN BONACCI: They're here?

11          MR. PEREIRAS: And they're compliant with  
12 the setback requirements of the addition that  
13 they're doing.

14          CHAIRMAN BONACCI: They're not here, are  
15 they?

16          MR. PEREIRAS: They're not.

17          MS. PEREIRAS: They're not.

18          CHAIRMAN BONACCI: Okay.

19          MR. PEREIRAS: They have a young baby at  
20 home.

21          CHAIRMAN BONACCI: Okay.

22          So, can you go through the variances  
23 required again, besides the D-2 use?

24          MR. PEREIRAS: Be happy to.

25          We have lot area, because we're shy 33

1 square feet.

2 We have lot width, because we're shy five  
3 inches.

4 We have side yard, because the existing  
5 side yard is a party wall, with the adjoining  
6 property.

7 And we have parking.

8 CHAIRMAN BONACCI: You do have some  
9 parking.

10 MR. PEREIRAS: There is no parking -- we  
11 have a parking variance. There's no parking on  
12 the property.

13 CHAIRMAN BONACCI: All right.

14 Explain the parking variance, because  
15 they're not providing any parking. So there  
16 never was parking.

17 MR. PEREIRAS: There was never parking  
18 there.

19 CHAIRMAN BONACCI: And still not going to  
20 be parking.

21 MR. PEREIRAS: And still not going to be  
22 parking, so we have an existing nonconformity,  
23 and technically, we're expanding on that because  
24 we're adding bedrooms.

25 CHAIRMAN BONACCI: Questions from the

1 Board?

2 Open to the public.

3 Okay.

4 Being that it's consistent with the Master  
5 Plan and Zoning -- Zoning Ordinance, and it's  
6 providing more living space for people of Union  
7 City, I'd like to make a motion to approve the  
8 application.

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

11 Any second the motion?

12 Seconded by Mr. Ortiz.

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

15 Mr. Bonacci?

16 CHAIRMAN BONACCI: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 MS. GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Ms. Pena?

24 MS. PENA: Yes.

25 THE SECRETARY: Ms. Perez?

1 MS. PEREZ: Yes.

2 THE SECRETARY: Mr. Cetinich?

3 MR. CETINICH: Yes.

4 THE SECRETARY: Seven in favor.

5 Motion carries.

6 MS. PEREIRAS: Thank you all very much.

7 MR. PEREIRAS: Thank you.

8 MS. PEREIRAS: Thank you.

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

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1 **Daisy Valenciano - 538 36<sup>th</sup> Street:**

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3 THE SECRETARY: Next application on  
4 tonight's agenda, Daisy Valenciano, 538 36<sup>th</sup>  
5 Street.

6 Ms. Pereiras, please?

7 MR. PANEQUE: For the record, I've been  
8 provided by Ms. Pereiras with the following  
9 documentation:

10 I have a certification as to publication  
11 and service, indicating that notice of tonight's  
12 hearing with respect to the property in question,  
13 located at 538 36<sup>th</sup> Street, was sent to all  
14 property owners within the 200 foot radius on  
15 February 3<sup>rd</sup>, 2020.

16 I've also been provided with an Affidavit  
17 of Publication from The Jersey Journal, with a  
18 date of January 31<sup>st</sup>, 2020, indicating that notice  
19 was given for tonight's hearing at this location  
20 with respect to the property at 538 36<sup>th</sup> Street,  
21 with the variances being sought.

22 I've also been provided with a -- the  
23 original certified mail receipts, with a stamp  
24 date of February 3<sup>rd</sup>. Right on the date. As well  
25 as the tax list from the Tax Assessor's Office,



1 with a date of January 27, 2020, as well as the  
2 certified mail receipts that have come back and  
3 the envelopes that have been returned.

4 Based on the documents provided, this Board  
5 has jurisdiction to proceed and hear this matter.

6 MS. PEREIRAS: Thank you, counsel.

7 Again, Bianca Pereiras, on behalf of the  
8 applicant, Daisy Valenciano, for property located  
9 at 538 36<sup>th</sup> Street, also known as Block 218, Lot  
10 13.

11 Currently on-site, we have an existing two  
12 family home. The application before the Board  
13 this evening is to construct a two story rear  
14 addition to the property. It will maintain -- it  
15 will remain as a two family home.

16 We have one expert, Mr. Manuel Pereiras.

17 MR. PEREIRAS: I recognize that I am still  
18 under oath.

19 MS. PEREIRAS: Mr. Pereiras, are you  
20 familiar with the property at 538 36<sup>th</sup> Street?

21 MR. PEREIRAS: I am.

22 MS. PEREIRAS: And did you prepare the  
23 drawings before the board?

24 MR. PEREIRAS: I have.

25 MS. PEREIRAS: And can you please describe

1 the addition for the Board?

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

3 We have an existing two family house. The  
4 interior of the house had a -- has a few  
5 structural issues. It's actually very cumbersome  
6 along the back. If you can notice, the rear of  
7 the house, it's set back four foot six at one  
8 point, and then curves into the house, and it's a  
9 little dilapidated.

10 The applicant, basically, wants to make a  
11 rear addition to this house, square it up, and  
12 make it a nice beautiful home to live in.

13 We are complying with the rear yard  
14 requirement of the current Ordinance. However,  
15 we have a variance because of the time of  
16 application of this.

17 We're proposing to set the building back  
18 five feet along the side. We're keeping the  
19 house square with what's existing, which is, I  
20 think, the appropriate thing to do on this site.  
21 It's -- it looks right, so that we have a 3.62  
22 side yard setback from the west side and a zero  
23 setback from the east side, from --

24 I'm sorry, backwards.

25 The three -- I have my east and west mixed

1 up today. Three point six two on the east side,  
2 and zero on the west side.

3 The front yard setback stays exactly the  
4 same. There's a green area and there's a porch  
5 with steps along the front of the building.

6 And what we're looking to do is this  
7 portion right here, which is basically a 14 foot  
8 addition in this direction, and the width of the  
9 house.

10 And we recognize we have an undersized lot.  
11 The depth of the lot is 75 feet. And therefore,  
12 we're not going for a three family house, we'll  
13 do a two family house. We're keeping it modest,  
14 keeping the size of the -- the number of units  
15 exactly the same in this house.

16 And as you can see, when we create the  
17 addition, we can create a nice, comfortable floor  
18 plan to live in. We have a open space living  
19 room, dining room, kitchen on each floor, with  
20 three bedrooms.

21 Again, the bedroom sizes are nice and  
22 large.

23 The master bedroom is 11 by 15, with its  
24 walk-in closet and bathroom. The bedroom number  
25 two is ten by 14. And bedroom number one is ten

1 by 14, as well. So, the same size -- the  
2 bedrooms and the floor above is exactly the same  
3 footprint.

4 We do have a variance for parking.  
5 However, that's completely mitigated by its  
6 location. We're literally right next to the  
7 municipal parking lot, with ample parking there.  
8 So, we're two properties away, 50 feet away from  
9 the municipal -- from the garage.

10 CHAIRMAN BONACCI: Okay.

11 So, you got a two story building. You're  
12 adding -- I'm sorry. You have two family home,  
13 you're adding the additional two stories.

14 MS. PEREIRAS: It is two --

15 MR. PEREIRAS: No, we're not.

16 So let -- let -- and I'm glad you pointed  
17 that out, because I didn't finish that proper --  
18 presentation properly.

19 So, this is the front of the house. It's  
20 two stories. This is the side view. It's the  
21 same two stories. All we're doing is we're  
22 adding this portion of it on this side, and  
23 adding this portion of it from here. So, if  
24 you're looking at the side elevation, from here  
25 to here, is existing. And from this point over,

1 | this is the addition that we're creating.

2 |           Okay?

3 |           If you're looking at the other side,  
4 | because the house had that weird L shaped  
5 | wrap-around, it's from this point to this point  
6 | that's the addition over there.

7 |           But we're -- all we're doing is basically  
8 | squaring out the house and complying with the new  
9 | Ordinance, as far as rear yard setback and the  
10 | side yard setback on the one side. We're not  
11 | complying on the opposite side, because that's a  
12 | preexisting zero setback on there.

13 |           CHAIRMAN BONACCI: So, in total, you're  
14 | going to have three bedrooms on each floor.

15 |           MR. PEREIRAS: That's correct.

16 |           CHAIRMAN BONACCI: And they're two separate  
17 | dwellings.

18 |           MR. PEREIRAS: Two separate dwellings.

19 |           CHAIRMAN BONACCI: Okay.

20 |           MR. PEREIRAS: Two apartments. It's going  
21 | to be a two family house.

22 |           CHAIRMAN BONACCI: And it's in the R zone.  
23 | Still in the R zone. Still --

24 |           MR. PEREIRAS: Correct.

25 |           CHAIRMAN BONACCI: -- permitted.

1 MR. PEREIRAS: Correct.

2 CHAIRMAN BONACCI: So, there's no problems  
3 there.

4 MR. PEREIRAS: Correct.

5 CHAIRMAN BONACCI: Questions from the  
6 Board?

7 Open to the public.

8 Closed to the public.

9 Seems that the application meets the  
10 adequate safety standards, use is very  
11 beneficial, there's no substantial detriment to  
12 the public good, does not impair the purpose of  
13 the zoning plan or the Zoning Ordinances, I make  
14 a motion to approve the application.

15 THE SECRETARY: Motion on the table by Mr.  
16 Bonacci to approve the application.

17 MS. GUTIERREZ: I'm seconding.

18 THE SECRETARY: Seconded by Ms. Gutierrez.

19 Roll call on the motion to approve this  
20 application.

21 Mr. Bonacci?

22 CHAIRMAN BONACCI: Yes.

23 THE SECRETARY: Ms. Gutierrez?

24 MS. GUTIERREZ: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Ms. Pena?

5 MS. PENA: Yes.

6 THE SECRETARY: Ms. Perez?

7 MS. PEREZ: Yes.

8 THE SECRETARY: Mr. Cetinich?

9 MR. CETINICH: Yes.

10 THE SECRETARY: Seven in favor.

11 Motion carries.

12 MS. PEREIRAS: Thank you very much,

13 everyone.

14 THE SECRETARY: Thank you.

15 Good night, Ms. Pereiras.

16 MS. PEREIRAS: Good night.

17 I'll see you next month.

18 MR. PEREIRAS: See you next month.

19 MS. PEREIRAS: Thanks.

20 CHAIRMAN BONACCI: Take care.

21 MS. GUTIERREZ: Take care.

22 THE SECRETARY: Can we get a five minute

23 break?

24 MS. DILLON: Yes.

25 MR. PANEQUE: Five minute break.

1 Off the record, please.

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3 (Whereupon, the Board recessed from 7:47

4 p.m. to 7:56 p.m.)

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1     **Ewald Pries - 510 9<sup>th</sup> Street:**

2     **Ewald Pries - 512 9<sup>th</sup> Street:**

3     **Ewald Pries - 514 9<sup>th</sup> Street:**

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5             THE SECRETARY:   Back in record.

6             Next application on tonight's agenda, Ewald  
7     Pries, 512 9<sup>th</sup> Street.

8             Mr. Ferraro, please?

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

10            Good evening, Chair and members of the  
11     Board, Mr. Paneque.

12            My name is Robert Ferraro.   I'm an attorney  
13     with the firm of Bruno and Ferraro, in  
14     Rutherford, New Jersey.

15            And I represent Mr. Ewald Pries, who is  
16     with me this evening.

17            May I -- we have three applications.   I  
18     think we're taking them one at a time?

19            MR. PANEQUE:   That's correct.

20            MR. FERRARO:   Okay.

21            MR. PANEQUE:   If I may, Mr. Ferraro?

22            MR. FERRARO:   Yes, sir.

23            MR. PANEQUE:   I believe you might have  
24     passed forward these jurisdictional proofs?

25            MR. FERRARO:   I have them, sir.

1 I'm sorry.

2 MR. PANEQUE: All right. So, let me just  
3 go through them a second.

4 MR. FERRARO: Um hum.

5 MR. PANEQUE: The three properties are  
6 adjacent to each other?

7 MR. FERRARO: Yes, sir.

8 MR. PANEQUE: And as such, you use the same  
9 notice for all three?

10 MR. FERRARO: But changed the address.

11 MR. PANEQUE: Changed the address, and you  
12 --

13 MR. FERRARO: And changed the relief.

14 MR. PANEQUE: You -- you put it in the same  
15 envelope, I'm assuming.

16 MR. FERRARO: Yes, sir.

17 MR. PANEQUE: Okay.

18 For the record, I've been provided by Mr.  
19 Ferraro with the following documentation:

20 I have an Affidavit of Proof of Service  
21 indicating that notice was provided to all  
22 property owners within the 200 foot radius of the  
23 three properties that are coming before the Board  
24 this evening.

25 Said properties are 510 9<sup>th</sup> Street, 512 9<sup>th</sup>

1 Street and 514 9<sup>th</sup> Street.

2 I have the three separate notices; one for  
3 510 9<sup>th</sup> Street, one for 512 9<sup>th</sup> Street and one for  
4 514 9<sup>th</sup> Street. The notices indicate that the  
5 meeting will take place tonight, on February 13,  
6 2020.

7 Now, I do want to bring to the court's  
8 attention that the notices indicated that the  
9 meeting was going to take place at seven p.m.,  
10 instead of the standard six p.m. time that is  
11 when we start the meeting.

12 However, in light of the fact that Mr.  
13 Ferraro's application was left to the end, I do  
14 take notice that it's now five minutes to eight  
15 o'clock, and therefore, anybody who received this  
16 notice had plenty of time to get here, if they  
17 chose to be here by the time that the -- it was  
18 published or was given notice at seven p.m.

19 I also have been provided with the  
20 certified mail receipts, with a date of January  
21 31<sup>st</sup>, 2020, as well as The Jersey Journal  
22 affidavit. Okay.

23 MR. FERRARO: I have the originals here, if  
24 you'd like.

25 MR. PANEQUE: Okay. Yeah, because I have

1 the -- the -- I see your email from --

2 MR. FERRARO: For each of them.

3 MR. PANEQUE: -- The Jersey Journal. The  
4 -- but where is the copy of the -- are these it?

5 MR. FERRARO: Um hum.

6 MR. PANEQUE: Ah, I got it. All right.

7 I have the three Affidavits of Publication  
8 that were published on The Jersey Journal, on the  
9 3<sup>rd</sup> of February, 2020, thereby just making the ten  
10 day deadline.

11 Said Affidavits of Publications are for the  
12 properties located at 510 9<sup>th</sup> Street, 512 9<sup>th</sup>  
13 Street, and 514 9<sup>th</sup> Street.

14 I do note that the same as the notices that  
15 were mailed out, the notice that was published in  
16 the newspaper does indicate a seven p.m. time for  
17 this application to be heard. And just so that  
18 we're clear, it is now almost eight p.m., and  
19 therefore, nobody is being prejudiced by the fact  
20 that the notice said seven p.m.

21 I've also been provided with the 200 foot  
22 tax list from the Tax Assessor's Office, for the  
23 three properties in question; said tax list was  
24 done on January 17<sup>th</sup>, 2019.

25 Based on the documentation that has been

1 provided, this Board does have jurisdiction to  
2 proceed and hear this matter.

3 MR. FERRARO: Thank you, Mr. Paneque.

4 Would you like the -- would I have the date  
5 on these, or do you need them? They need to be -  
6 -

7 MR. PANEQUE: You gave me the original --

8 MR. FERRARO: Yeah.

9 MR. PANEQUE: -- receipts. And those are  
10 the return cards?

11 MR. FERRARO: Those are return cards.

12 MR. PANEQUE: Yeah. If you don't mind  
13 handing them to Mr. Vallejo?

14 MR. FERRARO: Thank you.

15 MR. PANEQUE: Thank you.

16 THE SECRETARY: Thank you, Mr. Paneque.

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1     **Ewald Pries - 510 9<sup>th</sup> Street:**

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3             MR. FERRARO:   So, we're -- we're going to  
4     start with 510?

5             MR. PANEQUE:   Yes, please.

6             MR. FERRARO:   Thank you.

7             Members of the Board, Ewald -- Ewald Pries'  
8     family has been in ownership of these properties  
9     on 9<sup>th</sup> Street and they're both -- they're all in a  
10    row, 510, 512 and 514, and they're all multi-  
11    family dwellings.

12            Mr. Pries is going to testify and he will  
13    tell you that in -- for 510, his family bought  
14    this property in 19 --

15            MR. PRIES:    '61.

16            MR. FERRARO:   -- 1961.

17            Can we have Mr. Pries sworn?

18            MS. DILLON:   Certainly.

19            Please raise your right hand.

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

22            MR. PRIES:    Yes, I do.

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

25            MR. PRIES:    Ewald Pries, E-W-A-L-D,

1 P-R-I-E-S.

2 MS. DILLON: Thank you, sir.

3 I'm just going to ask you to keep your  
4 voice up because you're being recorded for a  
5 transcript.

6 MR. PRIES: Thank you.

7 MS. DILLON: Thank you.

8 MR. FERRARO: I'm sorry. Mr. Paneque, I  
9 know that before, you had referred to the '73 --

10 MR. PANEQUE: Tax assessment.

11 MR. FERRARO: If you know, can you tell me  
12 what it says on that one?

13 MR. PANEQUE: Yeah. I'm reading the tax  
14 assessment card and it indicates that for the  
15 property located at 510 9<sup>th</sup> Street, the property  
16 is shown as a unit in the basement, two units on  
17 the first floor, two units on the second floor,  
18 and two units on the third.

19 However, the basement unit is -- is marked  
20 as a superintendent's unit. And the construction  
21 official's memo indicate that this property was  
22 originally a six unit structure.

23 Now, Mr. Ferraro, you're coming in for  
24 legalization of the basement unit?

25 MR. FERRARO: Yes, your -- well, yes, Your

1 Honor -- I mean, Mr. Paneque. Yes. Sorry.

2 Yes. Well, really, it was always a seven  
3 family, from the time that the Pries' purchased  
4 the property. So, it's our contention that they  
5 were all legal, it's just that the documents  
6 don't reflect the -- the real situation.

7 MR. PANEQUE: Okay.

8 MR. FERRARO: And Mr. Pries can testify  
9 that -- to that.

10 MR. PANEQUE: Okay.

11 MR. FERRARO: So -- so, Mr. Pries, you --  
12 you -- in 510, your family -- your -- your dad  
13 bought this property in -- in '61.

14 Is that right?

15 MR. PRIES: Yes.

16 MR. FERRARO: Yes.

17 And in 1970, you, at the age of 27, got  
18 married.

19 Right?

20 MR. PRIES: Correct.

21 MR. FERRARO: And you and your wife, Alita  
22 (phonetic)?

23 MR. PRIES: Alita. Yes.

24 MR. FERRARO: Alita. You actually moved  
25 into this property.



1           Is that right?

2           MR. PRIES:   On -- in the basement  
3 apartment.

4           MR. FERRARO:   And for how long did you live  
5 there?

6           MR. PRIES:   Quite some time.

7           MR. FERRARO:   About?

8           MR. PRIES:   Quite some time.

9           Well, I -- I used to move from one  
10 apartment to another apartment, when I needed to  
11 have repairs done to the apartments. My father  
12 actually owned six buildings and as apartment  
13 needed some repairs, I would be the one to move,  
14 so he would not lose the rental from -- from that  
15 apartment. So --

16          MR. FERRARO:   So, in 1970, for a period of  
17 at least five years --

18          MR. PRIES:   I don't think it was that long.

19          MR. FERRARO:   About --

20          MR. PRIES:   No.

21          MR. FERRARO:   -- how long?

22          MR. PRIES:   A couple of years.

23          MR. FERRARO:   You -- you lived --

24          MR. PRIES:   Then we had a baby.

25          MR. FERRARO:   You lived on that -- in that

1 property.

2 MR. PRIES: Correct.

3 MR. FERRARO: And you lived in several  
4 apartments in that building?

5 MR. PRIES: I lived in 510, I lived in 512,  
6 I lived in 514, I lived in 513, I lived in 508.  
7 You know.

8 MR. FERRARO: And in the --

9 MR. PRIES: So --

10 MR. FERRARO: And in the -- at the time you  
11 moved in, in 1970, when you were married with  
12 your wife, what was the makeup of the property?  
13 What was -- how many units were there?

14 MR. PRIES: Seven units.

15 MR. FERRARO: Is it exactly as it exists  
16 today?

17 MR. PRIES: Yes.

18 MR. FERRARO: A basement apartment --

19 MR. PRIES: Yes.

20 MR. FERRARO: -- and two on each of the  
21 next floors?

22 MR. PRIES: Yes.

23 MR. FERRARO: And it hasn't changed?

24 MR. PRIES: No. Hasn't changed.

25 MR. FERRARO: Mr. Paneque, I -- I --

1 subject to the Board's questions or comments, I  
2 believe with the tax -- reflection in the tax  
3 record and Mr. Pries' testimony, we submitted --  
4 we -- we tried to go -- so, back in 1970, towns  
5 did not have jurisdiction over the multiple  
6 dwellings. They were handled by the State of New  
7 Jersey.

8           So, Mr. Pries attempted to go to the State  
9 of New Jersey to attempt to get records. And  
10 unfortunately, they don't have records that go  
11 back that date.

12           We also came here to get records, and we  
13 don't have records that go back that date.

14           During -- during the course of time, you  
15 made certain repairs to the building.

16           Is that right?

17           MR. PRIES: Yeah.

18           MR. FERRARO: And you came in for permits.

19           MR. PRIES: Yes.

20           MR. FERRARO: And they were always  
21 approved?

22           MR. PRIES: Yes.

23           MR. FERRARO: And did you actually come in,  
24 at one point, to change the heating system for  
25 the seven units?

1 MR. PRIES: Yes.

2 MR. FERRARO: And that was approved by the  
3 City?

4 MR. PRIES: Was approved by the City.

5 MR. FERRARO: Let me make sure I have --

6 In fact, they've been inspected a number of  
7 times, as well.

8 Isn't that correct?

9 MR. PRIES: They were inspected every five  
10 years. The State did them for awhile, then the  
11 City took over, then the State took back over.  
12 So, it's been going on since -- you know, the  
13 '50s, 1952.

14 MR. FERRARO: Now, in 1988, you actually  
15 changed the boilers, so that each unit would have  
16 its own boiler system.

17 MR. PRIES: Correct.

18 MR. FERRARO: Is that right?

19 MR. PRIES: Yeah, buildings 510 and 512.

20 MR. FERRARO: And you -- you came in, and  
21 you got the permit. And according to the  
22 plumbing subcode at that time, that was part of  
23 the application package that I believe you all  
24 have. It was seven units already existing, and  
25 seven units to remain, with no net gain.

1 MR. PRIES: Correct.

2 MR. FERRARO: In fact, in -- at some point,  
3 we submitted --

4 Is this the one that we have for the Rent  
5 Control?

6 MR. PRIES: Um hum.

7 MR. FERRARO: In fact, we -- you also were  
8 able to find a Rent Control document from 1981,  
9 which shows the seven units on it.

10 Is that correct?

11 MR. PRIES: That's correct.

12 MR. FERRARO: And that's part of the  
13 application package that was submitted, as well.

14 Is that right?

15 MR. PRIES: Yes.

16 MR. FERRARO: Now, just because this is  
17 1981, this just didn't happen in 1981.

18 Is that right?

19 This was always a seven unit --

20 MR. PRIES: Oh, yes.

21 MR. FERRARO: -- as you testified --

22 MR. PRIES: Yes.

23 MR. FERRARO: -- in 1970, when you moved  
24 in?

25 MR. PRIES: Yeah. That -- that's the

1 latest record I could find.

2 MR. PANEQUE: Thank you, Mr. Ferraro.

3 MR. FERRARO: Thank you, sir.

4 CHAIRMAN BONACCI: Did you want to speak?  
5 I'm sorry.

6 MR. PANEQUE: No. I just -- if the Board  
7 has any questions at this time.

8 CHAIRMAN BONACCI: So, as we were sitting  
9 here going over the documentation, it's not the  
10 first time that the Building Department doesn't  
11 match up the true -- you know, like what -- what  
12 really was happening at the use.

13 There's tax records that are consistent  
14 with your applicant's testimony. The Tax  
15 Assessor's documents are also confirming it.  
16 There's information here, Department Community  
17 Affairs, so we have plenty of documentation to  
18 support the testimony.

19 Also, you know, it promotes public good,  
20 the positive criteria, outweighs the negative  
21 criteria.

22 But before I make a motion, I just want to  
23 open it up to public.

24 Closed to the public.

25 I'd like to make a motion to approve the

1 application.

2 THE SECRETARY: Motion on the table to  
3 approve the application by Mr. Bonacci.

4 Any second the motion?

5 MS. GUTIERREZ: Second.

6 THE SECRETARY: Seconded by Ms. Gutierrez.

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

9 Mr. Bonacci?

10 CHAIRMAN BONACCI: Yes.

11 THE SECRETARY: Ms. Gutierrez?

12 MS. GUTIERREZ: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Ms. Pena?

18 MS. PENA: Yes.

19 THE SECRETARY: Ms. Perez?

20 MS. PEREZ: Yes.

21 THE SECRETARY: Mr. Cetinich?

22 MR. CETINICH: Yes.

23 THE SECRETARY: Seven in favor.

24 Motion carries.

25 \* \* \*

1     **Ewald Pries - 512 9<sup>th</sup> Street:**

2

3             THE SECRETARY: Next application on  
4 tonight's agenda, Ewald Pries, 512 9<sup>th</sup> Street.

5             Mr. Ferraro, please?

6             MR. FERRARO: Yes, sir.

7             Mr. Pries, you're still under oath. Okay.

8             THE SECRETARY: It's the same application.

9             MR. FERRARO: Okay. Mr. Pries, we're now  
10 referring to 512 9<sup>th</sup> Street. You -- you recall  
11 this property, when your dad bought it?

12             MR. PRIES: Yes.

13             MR. FERRARO: And what year did your dad  
14 buy this property?

15             MR. PRIES: 1953.

16             MR. FERRARO: Okay.

17             And you had indicated that when you got  
18 married, you moved into 510.

19             Is that right?

20             MR. PRIES: Correct.

21             MR. FERRARO: At the time you moved into  
22 510, that was 1970.

23             Right?

24             MR. PRIES: Right.

25             MR. FERRARO: What was the -- how many



1 units were there in the 512 building?

2 MR. PRIES: Seven units.

3 MR. FERRARO: Okay.

4 And can you tell me where those units were?

5 MR. PRIES: One on the ground floor, two on  
6 the first floor, second floor two, and third  
7 floor two.

8 MR. FERRARO: I'm sorry, Mr. Paneque. I  
9 don't know if -- what the records reflect on this  
10 one.

11 CHAIRMAN BONACCI: Yeah. I'm looking.  
12 It's a little blurry but --

13 MR. PANEQUE: I have --

14 CHAIRMAN BONACCI: I got three.

15 MR. PANEQUE: I have seven.

16 CHAIRMAN BONACCI: Okay.

17 MR. PANEQUE: I have --

18 CHAIRMAN BONACCI: Yup. Similar  
19 documentation from the last application.

20 Let me see what the Building Department's  
21 memo says on the top.

22 MS. GUTIERREZ: Um hum.

23 CHAIRMAN BONACCI: Yeah, same.

24 So, we have tax records that indicate a  
25 different number than what the Building

1 Department recognized. And again, there's  
2 documentation that supports your client's  
3 testimony.

4 And very similar to the last application,  
5 positive criteria meets and outweighs the  
6 negative criteria.

7 Open to the public.

8 Closed to the public.

9 Does not impair the intent of the zone plan  
10 or Zoning Ordinance.

11 I make a motion to approve the application.

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

14 MR. ORTIZ: Second it.

15 THE SECRETARY: Any second the motion?

16 Seconded by Mr. Ortiz.

17 Roll call on the motion to approve this  
18 application.

19 Mr. Bonacci?

20 CHAIRMAN BONACCI: Yes.

21 THE SECRETARY: Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: Ms. Pena?

3 MS. PENA: Yes.

4 THE SECRETARY: Ms. Perez?

5 MS. PEREZ: Yes.

6 THE SECRETARY: Mr. Cetinich?

7 MR. CETINICH: Yes.

8 THE SECRETARY: Seven in favor.

9 Motion carries.

10 MR. PANEQUE: Mr. Ferraro, before we leave  
11 this application, I just want to clarify  
12 something.

13 There -- there's two units on the first  
14 floor.

15 If you could ask your client?

16 MR. FERRARO: Are there two units on the  
17 first floor?

18 MR. PRIES: Yes.

19 MR. PANEQUE: And there's a unit in the  
20 basement?

21 MR. PRIES: Where?

22 MR. FERRARO: Five -- 512.

23 MR. PANEQUE: 512.

24 MR. PRIES: 512. There's two units on the  
25 first floor, second floor, and third floor, and

1 one in the ground floor.

2 MR. FERRARO: Basement.

3 MR. PANEQUE: On the ground floor. Okay.

4 Yeah, because that's what's reflected on -- on  
5 the tax record. It's just that they're not  
6 calling it a ground floor, they're just calling  
7 it a super's apartment as the seventh unit. But  
8 that's the one that would be on the ground or  
9 basement level.

10 MR. PRIES: Basement level.

11 MR. PANEQUE: Okay.

12 MR. PRIES: Yes.

13 MR. PANEQUE: Thank you, sir.

14 MR. FERRARO: Thank you, sir.

15 THE SECRETARY: Thank you.

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1     **Ewald Pries - 514 9<sup>th</sup> Street:**

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3             THE SECRETARY:   Okay.

4             We're going to the next application on

5     tonight's agenda, Ewald Pries, 514 9<sup>th</sup> Street.

6             Mr. Ferraro, please?

7             MR. FERRARO:   Thank you, Mr. Vallejo.

8             Members of the Board, we -- we are

9     referring to 514 9<sup>th</sup> Street, which is just the

10    next building down.  And for this unit, it is our

11   contention that the property has always -- has

12   been, at least before 1973, a --

13            MR. PRIES:   Six.

14            MR. FERRARO:  -- a six unit building.

15            I just, most respectfully, would ask Mr.

16    Paneque to let me know what the records reflect

17   because --

18            MR. PANEQUE:   Sure.

19            MR. FERRARO:  -- I'm not sure --

20            MR. PANEQUE:   The --

21            MR. FERRARO:  -- about this one.

22            MR. PANEQUE:   The Building Department memo

23   indicates that they recognize it as a four family

24   structure.

25            Now, looking at the tax assessment record,

1 | there is on the ground -- on the first floor,  
2 | there's one unit. There's a second unit on the  
3 | first floor. There's one unit on the second, and  
4 | then, there's a second unit on the second. So,  
5 | altogether, that gives me a total of four units.

6 | MR. FERRARO: Okay.

7 | We knew this one was a little bit  
8 | different, and -- and Mr. Pries, again, when you  
9 | moved into these --

10 | MS. DILLON: He continues under oath.

11 | MR. FERRARO: Yeah, still under oath. Mr.  
12 | Pries still under oath.

13 | When you were married and you moved into  
14 | 510 and various other apartments, are you  
15 | familiar with 514?

16 | MR. PRIES: Yes.

17 | MR. FERRARO: And at the time you moved in,  
18 | in 1970, what was -- what was that building?

19 | MR. PRIES: My father and I were in the  
20 | construction of doing the -- excuse me -- doing  
21 | the building over and --

22 | MR. FERRARO: By the way --

23 | Excuse me?

24 | You're a master plumber.

25 | Right?

1 MR. PRIES: Yes, I am.

2 MR. FERRARO: And --

3 MR. PRIES: I'm a master plumber.

4 MR. FERRARO: And you did -- and you did a  
5 lot of the work there.

6 MR. PRIES: Correct. My father and I  
7 actually did most of the work.

8 MR. FERRARO: So, in some time in 1970, the  
9 unit -- the building was a -- was a four unit  
10 building.

11 MR. PRIES: Was a four unit building when  
12 my father purchased it.

13 MR. FERRARO: What year did your father --  
14 father purchase that building?

15 MR. PRIES: Same year, 19 --

16 MR. FERRARO: Seventy?

17 MR. PRIES: Yeah. After my mother passed  
18 away in '69.

19 MR. FERRARO: Now, so your dad purchased  
20 514 and it was a four unit building.

21 MR. PRIES: At that time, yes.

22 MR. FERRARO: Okay.

23 Did something happen in 1970 to change  
24 that?

25 MR. PRIES: Yeah. We started to renovate

1 the building and my father started to dig, we did  
2 an extension in the back of it, and this was all  
3 under the supervision of the State inspectors.

4 MR. FERRARO: Now, so -- so, essentially,  
5 in 1970, you added the extra unit.

6 MR. PRIES: Correct.

7 MR. FERRARO: Okay.

8 Now, you looked through your records.  
9 Right?

10 And you were able to find the contract that  
11 you had for the construction of the building.

12 Is that right?

13 MR. PRIES: Original contract.

14 MR. FERRARO: And that was a contract in  
15 October 8, 1970.

16 Right?

17 John Pries was your dad?

18 MR. PRIES: Correct.

19 MR. FERRARO: For 514 9<sup>th</sup> Street?

20 MR. PRIES: Correct.

21 MR. FERRARO: And this was a cinder block  
22 addition to the building, 27 by 25, two stories  
23 high, complete with full basement, rear entrance  
24 steps, concrete floor and front entrance steps  
25 and sidewalk.



1 Right?

2 MR. PRIES: Right.

3 MR. FERRARO: Ten -- \$10,250.00.

4 MR. PRIES: It was a good deal.

5 MR. FERRARO: And that was -- and that was  
6 M&F -- M&F Mason Contractors who were located at  
7 1210 Palisade Avenue in Union City.

8 MR. PRIES: Correct.

9 MR. FERRARO: And the person's name who M&F  
10 was Michael and Frank Franceschini.

11 MR. PRIES: Correct.

12 MR. FERRARO: Okay.

13 MR. PRIES: He owned the liquor store,  
14 also, after he retired.

15 MR. FERRARO: Can I just submit this as  
16 part of the record, please?

17 MR. PANEQUE: Is this in your application?

18 MR. FERRARO: Oh, it's in the application.  
19 Okay.

20 MR. PANEQUE: Yes. Yeah. We have a copy.

21 MR. FERRARO: So it's in -- it's in there.  
22 Yeah.

23 MS. GUTIERREZ: That was a good deal.

24 MR. FERRARO: So, in 1970, did you complete  
25 the renovation --

1 MR. PRIES: Yes.

2 MR. FERRARO: -- with -- with the M&F  
3 Contractors?

4 MR. PRIES: Yes.

5 MR. FERRARO: And did you subsequently, in  
6 1970 or 1971, rent it -- rent that unit out?

7 MR. PRIES: Yes.

8 MR. FERRARO: So from --

9 MR. PRIES: Both units.

10 MR. FERRARO: So from 1971, at least, the  
11 property was a five -- a five unit building.

12 MR. PRIES: Six.

13 MR. FERRARO: Six unit building. Six unit  
14 building.

15 MR. PRIES: Right.

16 MR. FERRARO: Oh, you -- you did two -- two  
17 --

18 MR. PRIES: Two.

19 MR. FERRARO: -- unit additions. I'm  
20 sorry.

21 MR. PRIES: Yeah. One in the front and one  
22 in the back.

23 MR. FERRARO: So, you went from a four to a  
24 six.

25 MR. PRIES: Correct.

1 MR. FERRARO: And this was in 1970, 1971.

2 MR. PRIES: Correct.

3 MR. FERRARO: And you rented it out. And  
4 that's when the State had supervision over --

5 MR. PRIES: Yes.

6 MR. FERRARO: -- multi-dwelling units of  
7 that type.

8 We also, as part of the record that we  
9 submitted with our application, we show the --  
10 the documentation from the DCA showing it as a  
11 six unit dwelling.

12 We also show the inspection report from the  
13 DCA, showing it's a six unit.

14 We also show the electrical subcode  
15 applications, showing it as a six unit.

16 Construction permits at various times.

17 And I believe there's also a Rent Board, if  
18 I'm not mistaken. I don't know if on this one if  
19 you have it.

20 CHAIRMAN BONACCI: It's all six.

21 I'm sorry.

22 It seems as though we have plenty of  
23 documentation, once again, to support your  
24 testimony.

25 Just want to open it to the public.

1 Closed to the public.

2 Once again, promotes the public good,  
3 beneficial use, does not impair the intent of the  
4 zoning plan or Zoning Ordinance.

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

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

9 Seconded by Ms. Gutierrez.

10 Roll call on the motion to approve this  
11 application.

12 Mr. Bonacci?

13 CHAIRMAN BONACCI: Yes.

14 THE SECRETARY: Ms. Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Mr. Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Ms. Pena?

21 MS. PENA: Yes.

22 THE SECRETARY: Mrs. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Mr. Cetinich?

25 MR. CETINICH: Yes.

1 THE SECRETARY: Seven in favor.

2 Motion carries.

3 MR. FERRARO: Thank you very much.

4 We really --

5 THE SECRETARY: Thank you.

6 MR. FERRARO: -- appreciate your time and --

7 MR. PRIES: Thank you very much.

8 MR. FERRARO: -- consideration.

9 MS. GUTIERREZ: Thank you.

10 MR. FERRARO: Thank you.

11 MS. GUTIERREZ: Have a great night, sir.

12 MR. FERRARO: Thank you very much.

13 MS. GUTIERREZ: You're welcome.

14 MR. PRIES: Have a nice evening.

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1     **CORRECTIVE RESOLUTION:**

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3       ( 1) Maria Hernandez, 200 40<sup>th</sup> Street, Block  
4     237, Lot 10. The resolution was memorialized on  
5     June 9, 2011. Approved

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7             THE SECRETARY: All right.

8             We are going to now for Resolutions.

9             First Resolution on tonight's agenda, Maria  
10    Hernandez, 200 40<sup>th</sup> Street.

11            Can I have a motion to adopt this  
12    Resolution?

13            Motion by Ms. Gutierrez.

14            Second by?

15            CHAIRMAN BONACCI: Miguel. Miguel.

16            THE SECRETARY: Mr. Bonacci?

17            CHAIRMAN BONACCI: Sure.

18            MS. GUTIERREZ: No, Miguel he was --

19            THE SECRETARY: Roll call on the motion.

20            Mr. Bonacci?

21            CHAIRMAN BONACCI: Yes.

22            THE SECRETARY: Ms. Gutierrez?

23            MS. GUTIERREZ: Yes.

24            THE SECRETARY: Mr. Medina?

25            MR. MEDINA: Yes.

1 THE SECRETARY: Ms. Pena?

2 MS. PENA: Yes.

3 THE SECRETARY: Mr. Cetinich?

4 MR. CETINICH: Yes.

5 THE SECRETARY: Mrs. Watley?

6 MS. WATLEY: Yes.

7 THE SECRETARY: Six in favor.

8 Motion carries.

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1     **RESOLUTIONS:**

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3       ( 2) Ashok Sharma, 209 Roosevelt Street, Block  
4     270, Lot 12. Convert three families to four  
5     family dwelling.     Denied

6

7             THE SECRETARY: We are going to Resolution  
8     number 2.

9             Ashok Sharma, 209 Roosevelt Street.

10            Can I have a motion to approve this  
11     application?

12            Motion by Mr. Bonacci.

13            Second by?

14            Ms. Gutierrez.

15            Roll call on the motion.

16            Mr. Bonacci?

17            CHAIRMAN BONACCI: Yes.

18            THE SECRETARY: Ms. Gutierrez?

19            MS. GUTIERREZ: Yes.

20            THE SECRETARY: Mr. Medina?

21            MR. MEDINA: Yes.

22            THE SECRETARY: Ms. Pena?

23            MS. PENA: Yes.

24            THE SECRETARY: Mr. Cetinich?

25            MR. CETINICH: Yes.



1 THE SECRETARY: Ms. Watley?

2 MS. WATLEY: Yes.

3 THE SECRETARY: Six in favor.

4 Motion carries.

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1     **RESOLUTIONS:**

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3     ( 3) 2600 Investment Corp., 2600 Bergenline  
4     Avenue, Block 149, Lot 1. Applicant proposes  
5     rear apartment legalization.     Approved

6     ( 4) Tower Management Service, LP, 500 Central  
7     Avenue, Lot 1.01, Block 22. Applicant seeks to  
8     reconfigure parking lot & maximize space and add  
9     parking spots for use of adjacent residential  
10    building.     Approved

11  
12           THE SECRETARY: All right.

13           We have now Resolution 3 and 4.

14           Resolution number 3.

15           2600 Investment Corporation, 2600  
16     Bergenline Avenue.

17           And number 4.

18           Tower Management Service, LP, 500 Central  
19     Avenue.

20           Can I have a motion to approve application  
21     -- Resolution number 3 and 4?

22           Motion by Mr. Bonacci.

23           Seconded by Ms. Gutierrez.

24           Roll call on the motion.

25           Mr. Bonacci?

1 CHAIRMAN BONACCI: Yes.

2 THE SECRETARY: Ms. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Mr. Ortiz?

7 MR. ORTIZ: Yes.

8 THE SECRETARY: I'm sorry, Mr. Ortiz. You  
9 was absent.

10 MS. GUTIERREZ: No.

11 THE SECRETARY: You abstain?

12 CHAIRMAN BONACCI: Come on, wake up.

13 MR. ORTIZ: No, I abstain.

14 I was not --

15 MS. GUTIERREZ: Yeah. You wasn't in that  
16 one.

17 THE SECRETARY: Ms. Pena?

18 MS. PENA: Yes.

19 THE SECRETARY: Mr. Cetinich?

20 MR. CETINICH: Yes.

21 THE SECRETARY: Mrs. Watley?

22 MS. WATLEY: Yes.

23 THE SECRETARY: Six in favor, one  
24 abstained.

25 Motion carries.

1                   (Whereupon, there was a pause in the  
2 proceedings.)

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1     **ADJOURNMENT:**

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3             THE SECRETARY:   Okay.

4             There being no other application tonight's  
5 agenda, can I have a motion to close tonight's  
6 meeting?

7             Motion by Ms. Gutierrez.

8             MR. ORTIZ:    Second.

9             THE SECRETARY:   Seconded by Mr. Medina.

10            CHAIRMAN BONACCI:  Come on.

11            THE SECRETARY:  All in favor.

12

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

14

15            THE SECRETARY:  The ayes have it.

16            Motion carries.

17            Thank you.

18            Let the record show that -- that the  
19 meeting has ended.

20            Good night.

21            Have a beautiful rest of the week.

22

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

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,  
6 do hereby affirm that the foregoing is a true and  
7 accurate transcript in the matter of the REGULAR  
8 MEETING of the UNION CITY ZONING BOARD OF  
9 ADJUSTMENT heard on Thursday, February 13, 2020  
10 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon