

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

Via Zoom Video Conference
Union City, New Jersey

Thursday, June 11, 2020
Commencing at 6:05 p.m.

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

MARGARITA GUTIERREZ, (Via Remotely)
MIGUEL ORTIZ, (Arrived at 6:31 p.m., Via Remotely)
DAVID W. PRESSEY, (Via Remotely)
ROSIO PENA, Alternate No. 1, (Via Remotely)
GERALDINE PEREZ, Alternate No. 2, (Via Remotely)
MINDRY WATLEY, Alternate No. 4, (Via Remotely)
VICTOR M. GRULLON, Vice Chairman, (Via Remotely)

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

LIBERO MAROTTA
JOHN MEDINA
RAYMOND CETINICH, Alternate No. 3
JOSEPH D. BONACCI, Chairman

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

CARLOS VALLEJO, Secretary to the Board,
(Via Remotely)

TOMAS R. PANEQUE, ESQ., Board Attorney,
(Via Remotely)

DAVID SPATZ, Consultant, (Via Remotely)
Community Housing and Planning Associates

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

J. ALVARO ALONSO, ESQ., (Via Remotely)
Attorney for Applicant, Jorge Garcia

BIANCA P. PEREIRAS, ESQ., (Via Remotely)
Attorney for Applicant, Raul Mier

BIANCA P. PEREIRAS, ESQ., (Via Remotely)
Attorney for Applicant, 813 10th Street, LLC

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I N D E XJorge Garcia, 614 10th StreetWITNESSPAGE

Orestes Valella

14

PUBLIC

Nancy Morel

24

1 THE SECRETARY: Union City Zoning Board of
2 Adjustment, June 11, 2020, Regular Meeting moved
3 to electronic platform Zoom USA.

4 Please take notice that pursuant to
5 Governor Murphy Executive Order 107 and 108,
6 ordering statewide lockdown and P.L. 2020, c 11
7 permitting public body --

8 (Whereupon, there was outside
9 interference/noise from unmuted public
10 participants.)

11 THE SECRETARY: -- conduct meeting via
12 electronic means during the declared state of
13 emergency, Regular Meeting of the Union City
14 Board of Adjustment --

15 MS. DILLON: Excuse me?

16 Carlos? Carlos? Microphones have to be
17 muted.

18 THE SECRETARY: -- at six p.m.

19 MS. DILLON: I can't hear.

20 THE SECRETARY: The Regular Meeting will be
21 conducted remotely from the electronic meeting
22 platform Zoom USA.

23 Members of the public can join the meeting
24 and participate during the public comments period
25 by joining the meeting using the Zoom mobile

1 application or a smartphone or tablet, join the
2 meeting by laptop with microphone capabilities or
3 dialing --

4 (Whereupon, there was outside
5 interference/noise from unmuted public
6 participants.)

7 THE SECRETARY: -- meeting from Zoom
8 teleconference system. Information on how to
9 join the meeting electronically appears below.

10 MS. GUTIERREZ: Carlos?

11 MS. DILLON: Carlos? Carlos?

12 THE SECRETARY: All right. Mute. Every --

13 MS. GUTIERREZ: There's a lot of noise.

14 (Whereupon, there was outside
15 interference/noise from unmuted public
16 participants.)

17 THE SECRETARY: Anybody -- everybody is
18 okay?

19 All right. Let's keep going.

20 MR. PANEQUE: Carlos?

21 THE SECRETARY: Yes?

22 MR. PANEQUE: We're having an issue.

23 There's some children in the background and the
24 noise is coming through, and I'm sure Debbie's
25 having a --

1 MS. DILLON: Yeah.

2 MS. GUTIERREZ: Yeah.

3 MR. PANEQUE: -- a problem recording. And
4 we need to have this recorded in -- in case there
5 is any court action.

6 So, the suggestion made by Mr. Pereiras was
7 for everybody to place their computer on mute
8 until it's time for them to speak, and then
9 unmute it at that time.

10 THE SECRETARY: All right. Everybody,
11 okay? I am -- okay.

12 MS. DILLON: Carlos?

13 THE SECRETARY: Yes?

14 MS. DILLON: This is Debbie Dillon.

15 I think you should redo the opening
16 statement. It was really very, very garbled.

17 THE SECRETARY: Okay.

18 Union City Zoning Board of Adjustment, June
19 11, 2020, Regular Meeting through electronic
20 platform Zoom USA.

21 Please take notice that pursuant to
22 Governor Murphy Executive Order 107 and 108,
23 ordering statewide lockdown and P.L. 2020, c 11
24 permitting public bodies to conduct meeting via
25 electronic means during declared state of

1 emergency, a Regular Meeting of the Union City
2 Board of Adjustment has been scheduled for
3 Thursday, June 11, 2020, at six p.m.

4 The Regular Meeting will be conducted
5 remotely from electronic meeting platform Zoom US
6 (sic).

7 Members of the public can join the meeting
8 and participate during the public comments period
9 by joining the meeting using the Zoom mobile
10 application or a smartphone or tablet, join the
11 meeting by laptop with microphone capable and
12 dialing and using a telephone to the Zoom
13 teleconference system. Information on how to
14 join the meeting electronic appears at the public
15 notice.

16 All right.

17 Opening statement.

18 Adequate notice of this meeting has been
19 provided as follow:

20 Notice of this meeting, setting forth the
21 time, date, location and the agenda, to the
22 extent known, was forwarded to The Jersey
23 Journal, The Record, and The Hudson Reporter, has
24 been posted on the bulletin board in City Hall,
25 has been made available to the public in the

1 office of the Municipal Clerk.

2 Can everybody kindly rise to salute the
3 flag, please?

4 Everybody can unmute.

5

6 (Whereupon, the Pledge of Allegiance was
7 said by all.)

8

9 THE SECRETARY: Thank you.

10 VICE CHAIRMAN GRULLON: All right.

11 Please go back on mute.

12

13 **ROLL CALL:**

14

15 THE SECRETARY: Roll -- roll call for
16 tonight's meeting.

17 Mr. Bonacci?

18 Absent.

19 Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Here.

21 THE SECRETARY: Mr. Marotta?

22 Absent.

23 Ms. Gutierrez?

24 MS. GUTIERREZ: Here.

25 THE SECRETARY: Mr. Ortiz?

1 Absent.

2 Mr. Pressey?

3 MR. PRESSEY: Here.

4 THE SECRETARY: Mr. Medina is absent.

5 Ms. Pena?

6 MS. PENA: Here.

7 THE SECRETARY: Ms. Perez?

8 MS. PEREZ: Here.

9 THE SECRETARY: Mr. Cetinich?

10 Absent.

11 Ms. Watley?

12 MS. WATLEY: Here.

13 THE SECRETARY: We have a full quorum for
14 tonight's meeting.

15 Six present.

16 Now, we are going to the agenda.

17 Approval of previous meeting minutes.

18 We don't have approval for previous meeting
19 minutes in tonight's agenda.

20 * * *

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1 **Jorge Garcia - 614 10th Street:**

2

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

5 Jorge Garcia, 614 10th Street.

6 Mr. Alonso, please?

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

8 Members of the Board, for the record,
9 Alvaro Alonso, on behalf of the applicant.

10 I believe that notices were provided to Mr.
11 Paneque's office that he reviewed for
12 jurisdictional purposes.

13 MR. PANEQUE: Were those sent to my office
14 or to Mr. Vallejo?

15 THE SECRETARY: I got it right here in the
16 jacket.

17 One second.

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

20 THE SECRETARY: It was -- it was a previous
21 meeting. You know, this is a continuation from
22 March meeting.

23 MR. PANEQUE: Mr. Alonso, did you establish
24 jurisdiction in March?

25 MR. ALONSO: I did.

1 THE SECRETARY: Okay.

2 For the record, let me show you all the
3 proof that Mr. Alonso provide --

4 MR. PANEQUE: Okay.

5 THE SECRETARY: -- on that day and all the
6 documentations provide that notice and
7 everything.

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

9 The jurisdiction that the Board had on the
10 previous meeting were the proof of publication
11 and notices were presented to the Board,
12 continues to be in full force and effect. So,
13 Mr. Alonso, you can proceed with your
14 presentation at this time.

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

16 Members of the Board, this is an
17 application to legalize an existing apartment.
18 My client purchased the property in 1983. At the
19 time, there were a total of seven units; six that
20 are registered, evidently, with the City, and --
21 and a seventh unit which is on the ground floor.

22 The notice says basement, but it's actually
23 a ground floor, not a basement unit.

24 Also, in 1984, the property was registered
25 by my client with the DCA, with the seventh unit.

1 At the time that my client purchased the
2 property, it was already occupied. It was
3 occupied by the superintendent who was in charge
4 of maintaining the property. And the
5 superintendent continued to reside there until
6 ultimately he passed away.

7 What happened was, approximately four
8 months ago, when my client's son went to reside
9 in the apartment, a complaint was issued to the
10 Building Department of a possible illegal
11 apartment.

12 The Union City Building Department went to
13 investigate. They indicated that they had no
14 records of that seventh unit. And that's what --
15 why we're here today.

16 But as I indicated, it has been occupied
17 continuously without any violations since 1983,
18 when my client, and prior to that by the
19 predecessors in title.

20 I have one last witness this evening, Mr.
21 Valella, who is the architect. And for the
22 record, my clients are also on this Zoom meeting,
23 and available if the Board has any questions.
24 But it's not my intention to call them to testify
25 this evening.

1 So, with that said, I'll have -- I would
2 call Mr. Valella.

3 MS. DILLON: Mr. Valella, please raise your
4 right hand.

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

7 MR. VALELLA: I do.

8 MS. DILLON: Please state your name for the
9 record.

10 MR. VALELLA: Sure. I'll be happy to.

11 My name is Orestes Valella, V-A-L-E-L-L-A.
12 I'm a registered architect in the State of New
13 York and New Jersey. And my professional offices
14 are at 5809 Madison Street in West New York, New
15 Jersey.

16 MS. DILLON: Thank you.

17 MR. ALONSO: Mr. Chairman, Mr. Valella has
18 been qualified in the past as an architect.

19 VICE CHAIRMAN GRULLON: Yeah. We --

20 MR. ALONSO: I would ask his qualifications
21 --

22 VICE CHAIRMAN GRULLON: We accept Mr.
23 Valella qualification.

24 MR. VALELLA: Thank you.

25 MR. ALONSO: Thank you, Mr. Grullon.

1 Now, and just so the Board understands,
2 this is an application for a D-2 variance. A D-2
3 is a continuation of a -- well, actually, it's an
4 expansion of a preexisting, nonconforming use.
5 The property is in the R zone, where multi-
6 families are not permitted.

7 So, we're essentially expanding it from six
8 to seven units. So, that gives this Board
9 jurisdiction.

10 There are two minor bulk variances
11 associated with it. They are preexisting
12 conditions, with respect to a side yard and to
13 the parking.

14 So, with that said, I'm going to ask Mr.
15 Valella to review the plans with the Board.

16 MR. VALELLA: Okay.

17 I guess I can share the screen now where
18 the drawing is?

19 MR. ALONSO: Please.

20 MR. VALELLA: Okay.

21 Can you all see the drawing?

22 VICE CHAIRMAN GRULLON: Yes.

23 MS. DILLON: Yes.

24 MR. PANEQUE: Yes.

25 MR. ALONSO: Yes.

1 MR. VALELLA: Okay.

2 MS. GUTIERREZ: Yes.

3 MR. VALELLA: Very good.

4 Well, as counsel mentioned, this is an
5 existing building. You can see the photo on the
6 -- on the lower half of the page. It's on 10th
7 Street between Central and West. It is Block 46,
8 Lot 31. It's an existing six family. It's
9 actually an existing seven family. The seventh
10 unit is the one that's before you.

11 The apartments above that, there's a first,
12 there's a second and the third floors. And they
13 each have two apartments per floor; two, four,
14 six. And those are existing. There's nothing to
15 be done there.

16 The apartment number seven, which is before
17 you, is in the ground floor. It has an area of
18 1,085 square feet. It has a ceiling height of
19 seven feet. It is an existing studio apartment.
20 Towards the front, we're proposing to demolish a
21 small storage room that's there and create a
22 bedroom for the apartment with new closets, new
23 partitioning. That bedroom then faces the
24 street. It has a window. It is to the -- if
25 you're looking at the picture, it's to the left

1 hand side. Everything else is existing. The
2 bathroom, the kitchen. It's an open space. And
3 again, it's 1,085 square feet.

4 There is no work proposed -- there is no
5 work needed on the outside of this building. On
6 the inside of this unit, should you approve,
7 there is some construction to be done. There's
8 the electrical to be upgraded, the bedroom to be
9 constructed. And the fire rating of the ceiling,
10 between the ground floor and the second floor,
11 that's a Code requirement for fire rating
12 purposes.

13 You know, and the usual life safety checks,
14 and the most likely, a domestic sprinkler system
15 for the unit to separate it from the rest of the
16 units.

17 These are -- you know, decisions that are
18 made post-approval with the participation of the
19 Building Department.

20 The lot area -- it's in an R low density
21 zone. Let me just zoom in on the zoning table so
22 I can see it a little better.

23 Can you see it a little better, the zoning
24 table there?

25 VICE CHAIRMAN GRULLON: Yes. Yes. It's

1 better.

2 MR. VALELLA: So, as counsel mentioned,
3 it's multi-family in a low density, residential.
4 The lot area requirement for the zone is 2500.
5 We have 2,502 and no change to that is proposed.

6 The required lot width is 25 feet, we have
7 25.01.

8 The lot depth is a hundred is required, we
9 have 100.04. So, that's why it's -- you know,
10 it's two square feet larger than the 2500.

11 The front yard requirement is ten feet or
12 the prevailing setback. The existing setback is
13 14.5. And there's an adjacent structure to it
14 that also meets up with that -- with that
15 setback.

16 The side yards are two feet for each and
17 combined would be five. So, minimum two. There
18 is zero on one side and 0.3 on the other.

19 The rear yard is 25 percent of the lot
20 depth. So, in this case, it would come out to be
21 25 feet, thereabouts. We have 32 feet existing.

22 The building coverage is a maximum of 60
23 percent. The building is at 54 percent, but it's
24 actually below building coverage thresholds.

25 The lot coverage is 85 percent and the

1 existing is 68.

2 The maximum number of stories is three and
3 the building is three stories.

4 Maximum height is 40. The building is
5 approximately 40.

6 And for parking, the requirement -- we have
7 six two bedroom apartments, and then, the
8 proposed is a one bedroom. So, the -- the
9 tabulation adds up to 13. There are two
10 driveways, one on either side of the entrance.
11 So, in real life, there is provision for two
12 parking spaces. Although they're not legal
13 parking spaces because the depth is not 18 feet.
14 So, for -- from a legal standpoint, it's zero
15 parking existing. Although, in real life, there
16 are two vehicles that park there.

17 As counsel mentioned, there's nothing to be
18 done outside, although the -- on the inside of
19 the dwelling unit, there will be work to be
20 performed to bring it up to life safety. But no
21 changes to the environment, no changes to -- from
22 the outside. Although the apartment's been there
23 for decades, there is no visual impact.

24 The bedroom that we're creating is 14 by 16
25 feet in dimension.

1 And that's about it. It's a very routine
2 application in terms of an existing dwelling unit
3 that's been there for decades and we'd like to
4 bring it up to Code, legalize it and put it back
5 into the housing stock.

6 MR. ALONSO: Okay.

7 Mr. Valella, even though we are bringing it
8 up to the Code, that's the Construction Code
9 you're referring to.

10 Is that correct?

11 MR. VALELLA: Yes. Yes.

12 All the upgrades that are necessary are
13 life safety that -- again, those would be done
14 should an approval take place. Then, when we go
15 to the Building Department, we upgrade the life
16 safety conditions of the -- of the building.

17 MR. ALONSO: And -- and I say that only
18 because the property is registered with the
19 Department of Community Affairs, and it's
20 registered in my client's name. Every time --
21 you know, you purchase a property you have to
22 also transfer the registration. So, it was
23 reregistered in my client's name. And every five
24 years, there's an inspection by the State of New
25 Jersey, which I believe now, is done by the City

1 and every five years, they address issues of
2 habitability, which is -- which the client passes
3 and he gets -- he gets what's called -- referred
4 to as the green card.

5 MR. VALELLA: Right.

6 MR. ALONSO: Okay.

7 With that said, I have no further
8 questions. If the Board has any questions at
9 this time, you could ask Mr. Valella.

10 VICE CHAIRMAN GRULLON: Thank you, Mr.
11 Valella and Mr. Alonso.

12 Mr. Alonso, I have -- my -- my question is
13 for you. I believe you mentioned that this
14 property was acquired in 1983?

15 MR. ALONSO: Correct.

16 VICE CHAIRMAN GRULLON: And you provided --
17 you provided some documents to prove -- you know,
18 that there was seven unit at that time. But
19 we're not able to see it on the PDF that we
20 received. Could you go over that document?

21 MR. ALONSO: Sure.

22 The document that I have is the -- the
23 Department of Community Affairs, Certificate of
24 Registration. And it says date received, January
25 26, 1984. It talks about number of apartments,

1 six; rooming units, one; total seven. So, it's
2 registered as seven units. Also refers to the
3 property being constructed in 1930. And it
4 indicates my client as the -- as the owner of the
5 property, and also refers to Mr. Charles
6 Tappedorf, T-A-P-P-E-D-O-R-F, as
7 the superintendent residing in the -- on the
8 first floor, which is the ground floor.

9 So, that's the document. And -- and I
10 believe I submitted that with the package, but if
11 not, I could -- I could always provide a copy to
12 Mr. Vallejo for -- for the records. And that
13 again, that's from 1984.

14 VICE CHAIRMAN GRULLON: Thank you, Mr.
15 Alonso.

16 That's my only question. I don't know if
17 any other member of the public -- of the Board
18 has any question?

19 MR. PRESSEY: Yeah. I was just wondering,
20 is there any type of handicap accessibility?

21 MR. VALELLA: No. Not at the moment. And
22 you bring up a very good question.

23 The units above are accessible by a stair
24 outside. The Building Department might very well
25 require that when we -- again, if we go -- if we

1 get to that point, one of the requirements might
2 -- might be that this unit that is being created,
3 then be made an adaptable unit, because the
4 threshold is three. Any building with more than
5 three dwelling units, they -- the units have to
6 be adaptable.

7 If it's not an elevatored building, only
8 the units at ground level are -- are considered
9 to be adaptable.

10 So, in this case, yes, we may need to alter
11 the bathroom to make it bigger, and the kitchen
12 to bring it to adaptability requirements.

13 Yeah, you bring up a very good point.

14 MR. PRESSEY: Thank you.

15 MS. GUTIERREZ: Mr. Valella, I want to ask
16 you a question.

17 It's Margarita Gutierrez.

18 The building is going to have the
19 sprinkles?

20 MR. VALELLA: Yes. Most likely, when we --
21 we've done many of these, and normally, on a
22 smaller building, like a two to a three, the
23 Building Department will request that we
24 sprinkler the basement apartment, let's call it
25 that although this is a ground floor, as Mr.

1 | Alonso referred.

2 | In some instances, they will upgrade the
3 | requirement to sprinkler the entire building. I
4 | suspect we will be sprinklering the ground floor.

5 | MS. GUTIERREZ: All right.

6 | Thank you.

7 | MR. VALELLA: Um hum.

8 | VICE CHAIRMAN GRULLON: Any other member of
9 | the Board?

10 | At this time, I want to open it to the
11 | public.

12 | Any member of the public want to step
13 | forward?

14 | MS. MOREL: Hello.

15 | My name is Nancy Morel. I'm a realtor for
16 | Weichert Realty.

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

19 | MS. MOREL: My client is online also. His
20 | name is Mr. Majenski (phonetic). We have a 25 by
21 | a hundred on 205 36th Street.

22 | MS. DILLON: Excuse me, ma'am?

23 | MS. MOREL: We have tried to get it
24 | approved for three family with garages
25 | underneath. I filled out the form and I took it

1 to the Building Department. And it was denied.
2 And I wanted to know if there is anything we can
3 do about that.

4 MS. DILLON: Excuse me?

5 Mr. Paneque?

6 MR. PANEQUE: Yes. Thank you, Ms. Dillon.

7 Ms. Morel, we are in the middle of an
8 application for the case that's being presented.
9 The opening to the public is only in relation to
10 this application.

11 If you have a question related to this
12 application, you may ask it. Your question seems
13 to be on an issue that you're having. That
14 question would have to be addressed by either
15 calling Mr. Vallejo at his office, during regular
16 working hours, or writing a letter, but not at
17 this junction of this hearing.

18 MS. MOREL: Okay.

19 Thank you.

20 I apologize. I was told by the Building
21 Department I could discuss it here.

22 MS. DILLON: Excuse me?

23 Ms. Morel, can you please spell your name
24 for the record?

25 MS. MOREL: M-O-R-E-L. First name, Nancy.

1 MS. DILLON: Okay.

2 And you mentioned your client's name.

3 MS. MOREL: Mr. Majenski.

4 MS. DILLON: Spell, please.

5 MS. MOREL: It's -- he's online. He could
6 speak.

7 Mr. Majenski?

8 Hold on. Let me call him, because I don't
9 know if he can --

10 MS. DILLON: That's fine, ma'am. I'll just
11 spell it phonetically.

12 MS. MOREL: Okay.

13 MS. DILLON: Thank you.

14 VICE CHAIRMAN GRULLON: Any other member of
15 the public wants to step forward for this
16 application?

17 MS. GUTIERREZ: Um hum.

18 VICE CHAIRMAN GRULLON: No other member of
19 the public.

20 Taking in consideration that the applicant
21 presented sufficient proof that this is a
22 preexisting condition for this building, with
23 seven units in this building. And also, just for
24 the record, that by doing the work on this
25 apartment will bring the building more up to Code

1 for the safety, and to promote safety for the
2 building, I will make a motion to grant the
3 application.

4 MS. GUTIERREZ: And I'm seconding;
5 Margarita Gutierrez.

6 THE SECRETARY: Motion on the table to
7 grant the application by Mr. Grullon.

8 Seconded by Ms. Gutierrez.

9 Roll call on the motion to grant this
10 application.

11 Mr. Grullon?

12 VICE CHAIRMAN GRULLON: Yes.

13 THE SECRETARY: Ms. Gutierrez?

14 MS. GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Pressey?

16 MR. PRESSEY: Yes.

17 THE SECRETARY: Ms. Pena?

18 MS. PENA: Yes.

19 THE SECRETARY: Ms. Perez?

20 MS. PEREZ: Yes.

21 THE SECRETARY: Mrs. Watley?

22 MS. WATLEY: Yes.

23 THE SECRETARY: Six in favor.

24 Motion carries.

25 MR. ALONSO: Thank you very much,

1 everybody.

2 THE SECRETARY: Thank you, Mr. Alonso.

3 MR. VALELLA: I guess I'll -- I'll stop
4 sharing.

5 MS. GUTIERREZ: Thank you.

6 MR. ALONSO: Have a good evening.

7 MS. GUTIERREZ: Have a good evening.

8

9 (Whereupon, there was a pause in the
10 proceedings while screen sharing and host changes
11 took place.)

12

13 (Whereupon, Miguel Ortiz arrived, via
14 remotely at 6:31 p.m.)

15 * * *

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1 **Raul Mier - 401-403 5th Street:**

2

3 THE SECRETARY: All right. Let's go.
4 Let's move on.

5 Hearing, application and extensions.

6 Raul Mier, 401-403 5th Street.

7 Ms. Pereiras, please?

8 MS. PEREIRAS: Yes. Thank you very much,
9 Mr. Vallejo.

10 Good evening, everyone.

11 It's nice to see everybody. I feel like
12 it's been way too long.

13 This application is for 401-403 5th Street,
14 also known as Block 15, Lots 5 and 6.

15 This application was heard before the Board
16 back in 2014. I believe it was March. In April
17 of 2014, this Board granted a Resolution,
18 allowing two lots to be merged, and then
19 subdivided to create a new four story, three
20 family home on the vacant lot.

21 THE SECRETARY: Allow me one second.

22 For the record, let the record reflect that
23 Mr. Ortiz jointed the meeting. We have seven
24 members now.

25 Thank you, Ms. Pereiras.

1 MS. PEREIRAS: Following the Resolution,
2 this matter was appealed to the Superior Court,
3 challenging the decision issued by this Board.
4 That appeal was not successful. However, the
5 matter was appealed again to the Appellate
6 Division. The Appellate Division heard this
7 matter in February of 2017, at which point it
8 upheld the -- the Superior Court, which had also
9 upheld the decision of this Board. And this --
10 this applica -- there was a petition filed for
11 certification to the New Jersey Supreme Court.

12 So, as you can see, there was a very long
13 legal history to this matter. The important
14 thing here is that when any appeals are filed,
15 you toll, or the timing on these applications is
16 stopped or it's stayed.

17 Therefore, following the decision by the
18 New Jersey Supreme Court, that is, in fact, when
19 the toll, or when the timing began on this
20 application.

21 That was July 10th of 2017. Therefore,
22 these approvals would have been valid until July
23 10th, 2019.

24 Prior to that date, my client had submitted
25 construction documents to the City of Union City

1 Building Department. However, the Building
2 Department made a very extensive review, and so
3 there's a lot of back and forth between the
4 Building Department and the contractor and the
5 architect that the permits have finally been --
6 they're ready to be issued. However, the City
7 now believes that the approvals have since
8 expired. And that is the reason we are before
9 the Board this evening, to extend the approvals
10 until July of this year, as everything is ready
11 to go, and hopefully, ripe for permits.

12 Mr. Pereiras has shared his board, and
13 briefly describe what the approvals were. But
14 this is, in essence, an extension of approvals
15 that were granted in April of 2014.

16 VICE CHAIRMAN GRULLON: Thank you, Ms.
17 Pereiras.

18 THE SECRETARY: Also, the Resolution was --
19 the previous Resolution was sent by email to all
20 Board members and has been available to the
21 public in the website of the City of Union City
22 transcripts.

23 VICE CHAIRMAN GRULLON: Thank you, Carlos.

24 I reviewed the Resolution and the documents
25 attached to the Resolution. And my only question

1 | for Ms. Pereiras is, at this point, there are no
2 | other legal arguments that is holding up the
3 | application?

4 | MS. PEREIRAS: So all appeals have been
5 | exhausted. At this point, the decision by this
6 | Board stands.

7 | VICE CHAIRMAN GRULLON: And the Building
8 | Department, you are ready to proceed, you got all
9 | your permits.

10 | MS. PEREIRAS: Well, we're ready for
11 | permits. We actually submitted everything on
12 | July 5th of last year. Unfortunately, there was
13 | just a lot of back and forth on the approvals.
14 | But everything is in place. So, once, if the
15 | Board deems this extension favorable, the --
16 | we'll submit it to the Building Department, and
17 | hopefully, permits will be issued right away.

18 | VICE CHAIRMAN GRULLON: And -- and why are
19 | we seeking here for extension?

20 | MS. PEREIRAS: Oh, this is -- my request
21 | was an extension until the end of July 2020. I
22 | -- I believe that all permits will be in place at
23 | that point. If the Board wish to grant us
24 | additional time, that would be great. However, I
25 | believe that July 2020 will be sufficient time.

1 VICE CHAIRMAN GRULLON: Thank you.

2 Yeah, my question is -- you know, regard to
3 the attorneys, because I mention the Building
4 Department is operating under normal of
5 conditions due to the COVID-19. And that might
6 be an issue. We don't want to grant an
7 application -- an extension to July 20 -- to July
8 2020 and then you have to come back to us.

9 MS. GUTIERREZ: Um hum.

10 VICE CHAIRMAN GRULLON: Question for the --
11 Mr. Paneque.

12 Is it possible -- is it possible to do an
13 extension for six months or something like that?

14 MR. PANEQUE: Extensions are granted on a
15 -- on a one year basis. So, this is the first
16 request for the extension, which would carry them
17 through July of 2020. They have the right to
18 come back before this Board, if the permits are
19 not issued by the Building Department by the end
20 of July. And then, they would basically resubmit
21 this application for a second one year extension.

22 So, the -- the rule is that the extension
23 is only granted for the one year, after the --
24 the two years period for which their approval was
25 valid.

1 Now, their approval was valid for two
2 years. But that two years was tolled, as Ms.
3 Pereiras correctly stated to the Board, because
4 of the pending litigation.

5 It wasn't until that litigation was ended
6 that the two year period continued to run.

7 So, at this point, although I do understand
8 the logistics of the fact that we're on -- today,
9 on June 11th, and we're giving an extension which
10 will technically be only good through the end of
11 July, unfortunately, I -- we're in a situation
12 where that's what we have to deal with. We give
13 a one year extension. If she needs -- if the
14 applicant needs a second extension, she would
15 have to come back before the Board and request
16 that.

17 Now, the Board would know that based on the
18 COVID-19 circumstances, that that would probably
19 be the reason why the second extension would be
20 necessary. But we would need to address that at
21 the August or September meeting, if the case
22 arises.

23 VICE CHAIRMAN GRULLON: Right.

24 Okay.

25 Any other member of the Board has any

1 question?

2 Okay.

3 Members of the public?

4 Any -- any member of the public have any
5 question on this?

6 Closed to the public.

7 You know, taking in consideration that this
8 application -- you know, already went through all
9 the legal arguments and everything is ready to
10 proceed, I will make a motion to grant the
11 extension until July 2020.

12 MS. GUTIERREZ: And I -- and I'm seconding;
13 Margarita Gutierrez.

14 THE SECRETARY: Motion to approve the
15 extension by Mr. Grullon.

16 Seconded by Ms. Gutierrez.

17 Roll call on the motion.

18 Mr. Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Ms. Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Pressey?

23 MR. PRESSEY: Yes.

24 THE SECRETARY: Mr. Ortiz?

25 Are you mute, Mr. Ortiz?

1 (No audible response.)

2 THE SECRETARY: Ms. Pena?

3 MS. PENA: Yes.

4 THE SECRETARY: Ms. Perez?

5 MS. PEREZ: Yes.

6 THE SECRETARY: Ms. Watley?

7 MS. WATLEY: Yes.

8 THE SECRETARY: We didn't hear Mr. Ortiz.

9 Mr. Ortiz, are you there?

10 MR. ORTIZ: Yes.

11 THE SECRETARY: Thank you.

12 MS. GUTIERREZ: All right.

13 THE SECRETARY: Seven in favor.

14 Motion carries.

15 MS. PEREIRAS: Thank you all very much.

16 THE SECRETARY: Thank you, Ms. Pereiras.

17 Don't leave, Ms. Pereiras.

18 MS. GUTIERREZ: You're welcome, Ms.

19 Pereiras.

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1 **813 10th Street, LLC - 813 10th Street:**

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3 THE SECRETARY: All right.

4 Next -- next hearing on tonight's agenda is
5 an application for extension.

6 813 10th Street, LLC, 813 10th Street.

7 Ms. Pereiras, please?

8 MS. PEREIRAS: Again, Bianca Pereiras on
9 behalf of the applicant, 813 10th Street, LLC, for
10 property at 813 10th Street, also known as Block
11 43, Lots 16 and 17.

12 This is much more recent application. The
13 Board may recall this from July and September of
14 2018, when this was heard before the Board.

15 A Resolution approving the application was
16 memorialized on October 11th, 2018. The
17 application was to construct two new three family
18 homes on the premises.

19 There was a unanimous decision to grant
20 this application. As we -- you all know, and as
21 we mentioned in the last application, COVID-19
22 has posed quite a few problems and delays for
23 most developers and applicants.

24 Our applicant is very conscientious of
25 everything that's going on and because of these

1 | delays, they are coming in a little early,
2 | because these approvals are still good until
3 | October, but understanding that they will have
4 | additional delays because of just lack of staff
5 | at the Building Department and the -- they are
6 | respectfully requesting that this application,
7 | Resolution is extended for a year, until October
8 | 2021.

9 | VICE CHAIRMAN GRULLON: Okay.

10 | I don't have any question on that.

11 | Any members of the Board have any question
12 | or suggestion?

13 | Any members -- any member of the public
14 | wants to step forward?

15 | Closed to the public.

16 | Taking in consideration that this is the
17 | first extension that the applicant is seeking,
18 | I'll make a motion to grant the one year
19 | extension for this application.

20 | MS. GUTIERREZ: And I'm seconding.

21 | THE SECRETARY: Motion to approve the one
22 | year extension; motion made by Mr. Grullon.

23 | Seconded by Ms. Gutierrez.

24 | Roll call on the motion.

25 | Mr. Grullon?

1 VICE CHAIRMAN GRULLON: Yes.

2 THE SECRETARY: Ms. Gutierrez?

3 MS. GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Pressey?

5 MR. PRESSEY: Yes.

6 THE SECRETARY: Mr. Ortiz?

7 MR. ORTIZ: Yes.

8 THE SECRETARY: Ms. Pena?

9 MS. PENA: Yes.

10 THE SECRETARY: Ms. Perez?

11 MS. PEREZ: Yes.

12 THE SECRETARY: Ms. Watley?

13 MS. WATLEY: Yes.

14 THE SECRETARY: Seven in favor.

15 Motion carries.

16 MS. PEREIRAS: Thank you, again, very much.

17 VICE CHAIRMAN GRULLON: Thank you.

18 MS. PEREIRAS: Good night.

19 THE SECRETARY: Thank you, Ms. Pereiras.

20 MS. GUTIERREZ: Be safe.

21 THE SECRETARY: Manny, can you put me back,
22 please?

23 MR. PEREIRAS: You already are.

24 THE SECRETARY: Thank you.

25

1 (Whereupon, there was a pause in the
2 proceedings.)

3 * * *

1 **ADOPTION OF RESOLUTIONS:**

2

3 (1) Raul Mier, 401-403 5th Street, Block 15,
4 Lots 5 and 6. Applicant is seeking for a one
5 year extension. The Resolution was memorialized
6 on April 10, 2014.

7

8 MR. PANEQUE: Ms. Pereiras?

9 Before Ms. Pereiras signs off, I believe
10 there's still the Resolution on the --

11 THE SECRETARY: Yes. Yes. Yes.

12 Now, we are going to move into Resolutions.
13 We have one Resolution on tonight's agenda.

14 Raul Mier, 401-403 5th Street.

15 Can I have a motion to adopt this
16 Resolution?

17 MR. PANEQUE: Mr. Vallejo, before we
18 proceed with the motion, I just wanted to inform
19 the Board that based on the time constraints that
20 are presented by this application, with the
21 extension only being through the end of July, I
22 prepared a Resolution ahead of time, so that this
23 Board, based on its vote, can approve it.

24 So, since the Board sought fit to grant the
25 extension, we're going to be adopting the

1 Resolution at this meeting, so that in
2 anticipation that by doing so, Ms. Pereiras can
3 go to the Building Department right away and not
4 have to come back before this Board, which is a
5 concern that Mr. Grullon raised, whether it was
6 going to have enough time to go and get this
7 permit issued.

8 So, the Resolution is, although not our
9 routine to prepare the Resolution and have it at
10 the same meeting that the Board takes its vote,
11 in this particular matter this was done because
12 of the time constraints.

13 So, Mr. Vallejo was provided with the
14 Resolution, which the Board has. And it's based
15 on the vote that was taken tonight approving the
16 extension.

17 Thank you, Mr. Vallejo.

18 THE SECRETARY: Thank you, Mr. Pereiras
19 (sic).

20 Can I have a motion to adopt the Resolution
21 for Raul Mier, 401-403 5th Street?

22 VICE CHAIRMAN GRULLON: Motion.

23 THE SECRETARY: Motion by Mr. Grullon.

24 Any second the motion?

25 MR. ORTIZ: Second.

1 THE SECRETARY: Second by Mr. Ortiz.

2 Roll call on the motion to adopt this
3 Resolution.

4 Mr. Grullon?

5 VICE CHAIRMAN GRULLON: Yes.

6 THE SECRETARY: Ms. Gutierrez?

7 MS. GUTIERREZ: That was last month's
8 meeting.

9 Right?

10 THE SECRETARY: No, that's today's.

11 MS. GUTIERREZ: Oh, okay. Yes.

12 THE SECRETARY: Mr. Pressey?

13 MR. PRESSEY: Yes.

14 THE SECRETARY: Mr. Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Ms. Pena?

17 MS. PENA: Yes.

18 THE SECRETARY: Ms. Perez?

19 MS. PEREZ: Yes.

20 THE SECRETARY: Ms. Watley?

21 MS. WATLEY: Yes.

22 THE SECRETARY: Seven in favor.

23 Motion carries.

24 MS. PEREIRAS: Thank you all very much for
25 the courtesy.

1 It's greatly appreciated.

2 Thank you.

3 MR. PANEQUE: No problem.

4 MS. GUTIERREZ: You're welcome.

5 Be safe.

6 MS. PEREIRAS: Okay.

7 Thank you.

8 THE SECRETARY: Any other comments?

9 No comments.

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1 **ADJOURNMENT:**

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

6 MR. ORTIZ: Motion.

7 MS. GUTIERREZ: Second.

8 THE SECRETARY: Motion by Mr. Ortiz.

9 MS. GUTIERREZ: Second.

10 THE SECRETARY: Seconded by Ms. Gutierrez.
11 Roll call on the motion.

12 Mr. Grullon?

13 VICE CHAIRMAN GRULLON: Yes.

14 THE SECRETARY: Ms. Gutierrez?

15 MS. GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Mr. Pressey?

19 MR. PRESSEY: Yes.

20 THE SECRETARY: Ms. Pena?

21 MS. PENA: Yes.

22 THE SECRETARY: Ms. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Ms. Watley?

25 MS. WATLEY: Yes.

1 THE SECRETARY: Seven in favor.

2 Motion carries.

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

5 Thank you everyone.

6 MR. ORTIZ: Bye.

7 MS GUTIERREZ: Bye everybody.

8 Be safe.

9 THE SECRETARY: Next meeting will be on --
10 on July.

11 Right?

12 MR. PANEQUE: Yes.

13 MS. GUTIERREZ: July, yeah.

14 VICE CHAIRMAN GRULLON: July 9.

15

16 (Whereupon, the proceedings were concluded
17 at 6:50 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, June 11, 2020, and
10 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon