

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

Union City High School
Media Center
2500 Kennedy Boulevard
Union City, New Jersey

Thursday, November 12, 2020
Commencing at 6:11 p.m.

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

MARGARITA GUTIERREZ
JOHN MEDINA
MIGUEL ORTIZ
DAVID W. PRESSEY
ROSIO PENA, Alternate No. 1
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4
VICTOR M. GRULLON, Vice Chairman

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

LIBERO MAROTTA
GERALDINE PEREZ, Alternate No. 2

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

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

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Raul Mier

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, CHA Partners, LLC

ANTHONY X. ARTURI, ESQ.,
Attorney for Applicant, 928-930 19th Street, LLC

ROBERT M. MAYEROVIC, ESQ.,
Attorney for Applicant, Shefa Realty Corp.

ROBERT M. MAYEROVIC, ESQ.,
Attorney for Applicant, Adam Rassoulinejad

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1 MS. DILLON: On the record.

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

4 Please take notice that on Thursday,
5 November 12, 2020, six p.m., a Regular Meeting is
6 scheduled for the Union City Zoning Board of
7 Adjustment, to be held in the Municipal Chamber,
8 located at the second floor --

9 I'm sorry. I apologize.

10 The meeting location at the Union City High
11 School, located at 2500 John F. Kennedy
12 Boulevard, Union City, New Jersey.

13 Notice of this meeting has been provided as
14 follow:

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

22

23 **ROLL CALL:**

24

25 THE SECRETARY: Roll call for tonight's

1 meeting.

2 Mr. Victor Grullon?

3 VICE CHAIRMAN GRULLON: Here.

4 THE SECRETARY: Mr. Marotta is absent.

5 Margarita Gutierrez?

6 MS. GUTIERREZ: Here.

7 THE SECRETARY: Miguel Ortiz?

8 MR. ORTIZ: Here.

9 THE SECRETARY: David Pressey?

10 MR. PRESSEY: Here.

11 THE SECRETARY: John Medina?

12 MR. MEDINA: Here.

13 THE SECRETARY: Rosio Pena?

14 MS. PENA: Here.

15 THE SECRETARY: Geraldine Perez is absent.

16 Raymond Cetinich?

17 MR. CETINICH: Here.

18 THE SECRETARY: Let the record indicate

19 there are seven (sic) present.

20

21 (Note: Board Member Mindry Watley was

22 present at roll call.)

23

24 THE SECRETARY: Those absent tonight are

25 Ms. Geraldine Perez and Mr. Libero Marotta.

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

3 Now, we are going to -- before we go to the
4 Pledge of Allegiance.

5

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

8

9 THE SECRETARY: Thank you.

10 * * *

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1 **ADOPTION OF MINUTES:**

2

3 (1) Regular Meeting held on October 8, 2020

4

5 THE SECRETARY: We are going to change a
6 little bit tonight's order of the agenda. We are
7 going to call first --

8 MR. SPATZ: The minutes.

9 THE SECRETARY: Oh, I'm sorry. I got to go
10 for the minutes.

11 Approval of previous meeting minutes from
12 October 8, 2020.

13 May I have a motion?

14 VICE CHAIRMAN GRULLON: Motion.

15 THE SECRETARY: Motion made by Mr. Grullon.

16 MS. GUTIERREZ: Second.

17 THE SECRETARY: Seconded by Ms. Gutierrez.

18 Roll call on the motion.

19 Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Ms. -- Ms. Gutierrez?

22 MS. GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Pressey?

24 MR. PRESSEY: Yes.

25 THE SECRETARY: Mr. Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: I'm sorry. You -- I'm
3 sorry. You was absent.

4 MR. ORTIZ: I think --

5 THE SECRETARY: Right?

6 MR. ORTIZ: I think I was.

7 THE SECRETARY: You was absent. You
8 abstain.

9 Right?

10 MR. ORTIZ: Yes.

11 THE SECRETARY: Mr. Medina?

12 MR. MEDINA: Yes.

13 THE SECRETARY: He was absent the previous
14 meeting.

15 Right?

16 Yeah. You have to abstain.

17 Ms. Pena?

18 MS. PENA: Abstain. I wasn't here.

19 THE SECRETARY: Mr. Cetinich?

20 MR. CETINICH: Yes.

21 THE SECRETARY: Ms. Watley?

22 MS. WATLEY: Yes.

23 THE SECRETARY: Five in favor.

24 Motion carries.

25 * * *

1 **Adam Rassoulinejad -**

2 **128 39th Street:**

3

4 THE SECRETARY: All right.

5 We are going to tonight's agenda.

6 Adam Rassoulinejad, 128 39th Street.

7 Mr. Mayerovic, please?

8 MR. MAYEROVIC: Yes.

9 THE SECRETARY: Thank you, David.

10 MR. SPATZ: Um hum.

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

13 THE SECRETARY: Allow me one second.

14 Let the record indicate we have eight
15 members present.

16 Thank you.

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

19 MR. MAYEROVIC: One second.

20 MR. PANEQUE: You have the tax list, Mr.
21 Mayerovic?

22 MR. MAYEROVIC: I gave the tax list already
23 to Carlos -- the Board Secretary. I gave the
24 updated tax list.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. PANEQUE: You have a couple of
3 applications?

4 MR. MAYEROVIC: I'm sorry?

5 MR. PANEQUE: You have two applications.
6 Right?

7 MR. MAYEROVIC: Yes.

8 MR. PANEQUE: Okay.

9 THE SECRETARY: One, 542 38.

10 MR. PANEQUE: Yeah, I'm looking for the one
11 for 542 38th Street.

12 MS. DILLON: Aren't we doing 39th Street?

13 MR. PANEQUE: We're doing --

14 MS. DILLON: Carlos?

15 Aren't we doing number six?

16 MR. SPATZ: Right, that's what I thought
17 you called.

18 MR. PANEQUE: We're doing number six?

19 THE SECRETARY: Number six, yeah.

20 MR. SPATZ: That's 39th Street.

21 THE SECRETARY: 128 39th.

22 MS. DILLON: We're doing number six; 128
23 39th Street.

24 MR. PANEQUE: Oh, you have me the stuff for
25 38th Street.

1 MR. MAYEROVIC: Which one -- oh, sorry.

2 THE SECRETARY: The last one.

3 MR. MAYEROVIC: I'm sorry.

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

6 MR. PANEQUE: All right.

7 Let the record reflect the following:

8 I've been provided by Mr. Mayerovic with
9 the affidavit of publication, indicating that
10 notice of tonight's hearing, with respect to the
11 property at 128 39th Street, Union City, New
12 Jersey was published in the local Jersey Journal
13 paper on the 30th of October, 2020.

14 Said notice indicates that the hearing will
15 take place tonight, at six p.m., at this
16 location, at the Union City High School.

17 I've also been provided with the green
18 certified mail receipts, with a postmark date of
19 October 20th, 2020, as well as a certification of
20 mailing, indicate that notice was sent out to all
21 property owners --

22 I need the one for 39th Street.

23 MR. MAYEROVIC: You need -- which one did I
24 give you?

25 MR. PANEQUE: You gave me 38. We're doing

1 39th now.

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

4 MR. PANEQUE: I have a certification of
5 mailing for all property owners within the 200
6 foot radius of 128 39th Street.

7 I've also seen the tax list that was
8 promulgated by the Tax Assessor's Office. That
9 list was sent, via email, to our Secretary, Mr.
10 Vallejo. And that list has a date of October 13,
11 2020.

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

15 Thank you.

16 MR. MAYEROVIC: This is the application on
17 128 39th Street.

18 Right?

19 MR. PANEQUE: Yes, number 6 on our
20 calendar.

21 MR. MAYEROVIC: Okay.

22 So, I represent, in this application, Mr.
23 Adam Rassoulinejad, who's here. And my architect
24 is also over here.

25 This application seeks to legalize a two

1 family house. The house is currently, according
2 to the Building Department, a one family house.
3 We are looking to make it a legal two family
4 house.

5 I'm going to have my client testify. I'm
6 going to have my client testify tonight as to the
7 history of this property.

8 MS. DILLON: Please stay in front of the
9 microphone, --

10 MR. MAYEROVIC: I'm sorry.

11 MS. DILLON: -- Mr. Mayerovic.

12 MR. MAYEROVIC: I'm going to have my client
13 testify as to the history of this property.

14 But I'd like to respond to some information
15 that was provided by the Building Department.

16 So, by way of a proffer, my client
17 purchased the property in the year 2006. In
18 2006, when my client purchased the property, at a
19 foreclosure, out of a -- I believe through --
20 through foreclosure proceedings, the house was a
21 two family house.

22 My client didn't do any renovations in the
23 house. He has basically been using it as a two
24 family house, as he's got -- as he purchased it.

25 I want to hand -- give some handouts, if I

1 may?

2 MR. PANEQUE: You may, Mr. Mayerovic. We
3 just need to have them marked --

4 MR. MAYEROVIC: Okay. So --

5 MR. PANEQUE: -- if you're going to
6 introduce them into evidence.

7 MR. MAYEROVIC: -- we can mark this packet
8 A-1. And I -- I made extra copies and the --

9 MS. DILLON: May I have one? There's two
10 here?

11 MR. MAYEROVIC: Yeah there's more -- I
12 think I have enough for everybody.

13

14 (Whereupon, Package (3 pages) was received
15 and marked as Exhibit A-1.)

16

17 MR. MAYEROVIC: So, the first document that
18 -- that you'll see in the packet is the printout
19 from the Union City Tax Office. And that -- it's
20 from the NJTACB (sic) and that reflects that the
21 property is a two family house and has been taxed
22 as a two family house. The -- the next document
23 that you have is --

24 MR. PANEQUE: Mr. Mayerovic, let me
25 interrupt you a second.

1 Can you look at that NJACTB and --

2 MR. MAYEROVIC: It says three units.

3 MR. PANEQUE: Okay.

4 MR. MAYEROVIC: I -- I understand that, but
5 it's -- I checked with the Tax Office, it's
6 actually been taxed as a two family house.

7 MR. PANEQUE: But --

8 MR. MAYEROVIC: And --

9 MR. PANEQUE: -- that's not the
10 representation that's being made in this --
11 (indiscernible) -- document.

12 MR. MAYEROVIC: I understand that. But if
13 you go to the next page --

14 MR. PANEQUE: Okay.

15 MR. MAYEROVIC: The next page is the reval
16 page, and this is the 1992 reval page.

17 Now, if you go to page two of that -- you
18 go to two -- if you go to page two of that, and
19 you look at the top, if you look at the top, it
20 talks about conversion. It says two. And then,
21 if you look at the room count, it has a room
22 count for B, which is basement; and it has a room
23 count for the first -- second floor apartment,
24 which is the first floor apartment.

25 Now, even though -- even though the

1 property shows as a basement and first floor,
2 this is really not a basement. And my client
3 will be here to testify.

4 Now, I saw, in the packet of materials that
5 was provided from the Building Department, was
6 the 1970, I believe the '71 reval. And in the
7 '71 reval, they only had it as a one family house
8 and they only had the 475 -- 475 square feet,
9 which is showed for the first floor. And the
10 second floor, 288 doesn't appear in the 1970
11 reval.

12 So, the point of this -- the point of this
13 application is to demonstrate to you, the members
14 of the -- the Board, that this property has been,
15 at the very least, a two family house, going back
16 to the 1991-1992 reval. It's a period of 30
17 years that the house has been in a two family
18 condition. It's not something that was created
19 by my client. And I guess that's the most
20 important thing that I wanted to tell you.

21 I'm going to have Mr. Rassoulinejad come up
22 and testify.

23 MS. DILLON: Right over here. Right here.

24 Sir, please raise your right hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. RASSOULINEJAD: Yes, I do.

3 MS. DILLON: You have to keep your voice
4 up.

5 MR. RASSOULINEJAD: Yes.

6 MS. DILLON: Okay.

7 I need you to state your name, and spell
8 your last name slowly, for the record.

9 MR. RASSOULINEJAD: Adam Rassoulinejad.

10 MS. DILLON: Okay.

11 Spell it.

12 MR. RASSOULINEJAD:

13 R-A-S-S-O-U-L-I-N-E-J-A-D.

14 MS. DILLON: Thank you, sir.

15 MR. RASSOULINEJAD: You're welcome.

16 MR. MAYEROVIC: Mr. Rassoulinejad, is it a
17 fact that you purchased the property in the year
18 2006?

19 MR. RASSOULINEJAD: Eleven.

20 MR. MAYEROVIC: I'm sorry?

21 MR. RASSOULINEJAD: Two -- 2011.

22 MR. MAYEROVIC: 2011?

23 Okay.

24 MR. RASSOULINEJAD: Yeah.

25 MR. MAYEROVIC: And in buying the property,

1 has it always been a two family house?

2 MR. RASSOULINEJAD: It was as it is.

3 MR. MAYEROVIC: Okay.

4 Did you do any renovations or remodeling to
5 the -- to the building?

6 MR. RASSOULINEJAD: No renovation, but we
7 change the cabinets and -- and fixtures and all
8 those things. Yes.

9 MR. MAYEROVIC: Other than repairs, did you
10 do -- did you build any extra apartment --

11 MR. RASSOULINEJAD: No.

12 MR. MAYEROVIC: -- or rooms?

13 MR. RASSOULINEJAD: It is and what it was.

14 MR. MAYEROVIC: That's the way you bought
15 it.

16 MR. RASSOULINEJAD: That's correct.

17 MR. MAYEROVIC: Is that correct?

18 MR. RASSOULINEJAD: That's correct.

19 MR. MAYEROVIC: Okay.

20 I -- I haven't --

21 MR. RASSOULINEJAD: No additions. No.

22 MS. DILLON: You have to speak one at a
23 time.

24 Okay?

25 MR. RASSOULINEJAD: Oh, sorry.

1 MR. MAYEROVIC: And -- and tonight, you're
2 looking for Board -- you were notified by the
3 Building Department that it -- that the apartment
4 was an illegal unit.

5 MR. RASSOULINEJAD: Yes, we were.

6 MR. MAYEROVIC: And you're applying to the
7 Board to legalize that which already existed.

8 Is that correct?

9 MR. RASSOULINEJAD: Yes, we are.

10 MR. MAYEROVIC: Unless someone has any
11 questions?

12 VICE CHAIRMAN GRULLON: Just a quick
13 question.

14 It's basement unit or a second floor unit?

15 MR. MAYEROVIC: Well, I want to answer
16 that.

17 Is there a basement to this house?

18 MR. RASSOULINEJAD: No basement. No.

19 MR. MAYEROVIC: Am -- am I correct that the
20 first floor is slight -- and you'll see it in the
21 pictures that -- I think I sent everybody a
22 packet of pictures, which is also part of the
23 application.

24 There is no basement.

25 Is that correct?

1 MR. RASSOULINEJAD: No basement. No.

2 Correct.

3 MR. MAYEROVIC: And -- and am I correct
4 when you walk to the -- into the first floor,
5 it's a step down.

6 MR. RASSOULINEJAD: Correct.

7 MR. MAYEROVIC: Okay.

8 So, the first floor is called the basement
9 apartment, but it's not really a traditional
10 basement apartment. It's just that you take one
11 step down to -- on the -- on the first floor.

12 VICE CHAIRMAN GRULLON: Yes. Is that the
13 475 square foot unit or the 288?

14 MR. MAYEROVIC: That's the 475. And you'll
15 see that the 475 existed. There's a document
16 that was submitted by the Building Department,
17 which had to do with the 1971 reval. And in the
18 1971 reval, that 475 is there.

19 I just ask the Board Secretary, I -- I saw
20 that document circulated. Is that part of the
21 record? It -- it was a letter from Mr.
22 Martinetti, I believe, attaching the 1971 reval.

23 MR. PANEQUE: Yes. We have that in our
24 packet.

25 MR. MAYEROVIC: All right.

1 So, if you look at that 19 -- if you look
2 at that --

3 I'm sorry. I don't mean to point at
4 anybody.

5 But if you look at the -- if you look at
6 that 1971, it shows the 475 square feet.

7 Right?

8 I believe on the second page.

9 VICE CHAIRMAN GRULLON: Yes. Um hum.

10 MR. MAYEROVIC: Right. So -- and now, if
11 you look -- that's the 475. And now, if you look
12 at what I've given you today from the 19 -- from
13 the 1991 reval, you have the 475 is still there
14 and the 288 is actually the second -- it's the
15 first floor. They're calling it a basement/first
16 floor. And as -- and my understanding that they
17 have to call it a basement because it's one step
18 down off of the street.

19 VICE CHAIRMAN GRULLON: Mr. Mayerovic, on
20 the packet of pictures that you provided, you did
21 not include any pictures from the inside
22 condition of the building.

23 MR. MAYEROVIC: No, I did not. I'm sorry
24 about that.

25 I'm talking too loud.

1 VICE CHAIRMAN GRULLON: Okay.

2 I don't have any more question.

3 Could you continue?

4 Do you have any other witness?

5 MR. MAYEROVIC: Yes.

6 Just -- any -- does anybody have any
7 questions of Mr. Rassoulinejad?

8 VICE CHAIRMAN GRULLON: If we have, we
9 going to be calling him at the end.

10 MR. MAYEROVIC: All right.

11 So, again, I just want to emphasize --

12 VICE CHAIRMAN GRULLON: Thank you, Mr.
13 Rassoulinejad.

14 MR. MAYEROVIC: I just want to emphasize
15 that he himself did not do any addition, did not
16 add anything to the house. It's been like that
17 at least since 1992, going on three -- 30 years.
18 And -- and the city has always taxed it as a two
19 family house.

20 Thank you.

21 VICE CHAIRMAN GRULLON: Thank you, Mr. --

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

24 MS. DILLON: Please raise your right hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. VALELLA: I do.

3 MS. DILLON: Please state your name for the
4 record.

5 MR. VALELLA: Absolutely.

6 Orestes Valella, V-A-L-E-L-L-A. I'm an
7 architect, professional offices are at 5809
8 Madison Street, in West New York, New Jersey.

9 VICE CHAIRMAN GRULLON: We accept your
10 qualification, Mr. Valella.

11 MR. VALELLA: Thank you.

12 VICE CHAIRMAN GRULLON: Welcome.

13 MR. MAYEROVIC: You'll -- you'll qualify
14 him as an expert architect, for purposes of this
15 hearing.

16 What I'd like you to do is go through the
17 zoning data and tell the Board what we're
18 proposing.

19 MR. VALELLA: Absolutely.

20 Good evening, everybody.

21 MS. GUTIERREZ: Good evening.

22 MR. VALELLA: This is -- Mr. Mayerovic made
23 my job -- you know, he did most of it, so there's
24 really not very much to say.

25 This is an existing home, across from the

1 old high school. It's on 39th Street. It's Lot 7
2 and it's Block 233. It's a 25 by 100 and it has
3 a very nice -- it's a very nice street. It has a
4 very -- the house is nice, it's got a nice tree
5 in the front. It's set back.

6 It really is a ground floor apartment that
7 we have before you. It's basically one step
8 down, as counsel mentioned, and it is a one
9 bedroom apartment.

10 You can see that on our item number 6,
11 existing and proposed ground floor plan. And
12 that's where this apartment is located. It is a
13 one bedroom apartment, has a bathroom and it has
14 the kitchen and the living room. And it has its
15 own separate entrance from the side yard. It's
16 very, very nice.

17 And the upstairs, we have the second floor
18 and we have the attic, which is where the
19 bedrooms are located for that dwelling unit.
20 That is a two bedroom dwelling unit, with the
21 kitchen and the dining room on the second. And
22 then, in the attic level is where the bedrooms
23 are.

24 But the apartment in question is at ground
25 level. It has wonderful windows looking out to

1 the street and to the side yard, into the rear.
2 And it has an eight foot ceiling. You know, it
3 also has the furnace for the house there in a
4 separate closet. Even the kitchen has a window.
5 The area of the apartment in question is 580
6 square feet.

7 It is existing. I can -- I can attest to
8 that. This isn't something that was built -- you
9 know, two years ago or so. It's been there for
10 decades. I can't tell you exactly for how long,
11 but it's -- it's not something that was built
12 yesterday.

13 There is some bringing up to Code that will
14 most likely be required. In 99.9 percent of
15 these cases, we have to upgrade the ceiling, so
16 that the ceiling -- you know, establishes fire
17 rating. Most of these do not have a fire rating
18 between dwelling units. And that is crucial.
19 And most likely, this one will require that, as
20 well. Although we hold off on any investigation
21 on that until such time as an -- as a proposal is
22 -- is approved. And then, we go back in and have
23 these discussions with the Building Department.

24 The lighting -- most of the time, the
25 outlets have to be changed to Code required

1 outlets. But I -- I just -- you know, beyond
2 that and the -- and the mandatory sprinkler that
3 may be required.

4 Now, this -- normally, we do two to a
5 three, where a hundred percent of the time the
6 basement apartment, let's call it that, but this
7 is not it, needs a sprinkler system. Now, this
8 is only a one to a two. Potentially, we may not
9 need a sprinkler system in this one because we
10 have a separate entrance from each dwelling unit.
11 So, the sprinkler requirement does not kick in.

12 But, your Building Department sometimes --
13 you know, errs on the side of caution. But we'll
14 leave that for another day.

15 Suffice it to say beyond the obvious
16 technical things; checking the window size in the
17 bedroom for egress, which this one has, I -- I
18 anticipate very little work. Although it is not
19 something brand new, it's in reasonably good
20 shape and it's -- it's very suited for the use.
21 So, it's not something where we have to go in and
22 -- and do considerable amount of work.

23 We're not expanding the building. We're
24 not making any bigger, any taller. The density
25 has been there for decades. I don't anticipate

1 anything. It's a lovely house and a lovely -- I
2 like that street. I've always liked it. It's a
3 nice -- it's a nice street -- street.

4 And that's about it.

5 MR. MAYEROVIC: The zoning data reflected
6 on your plans, and I guess this -- that reflects
7 the schedule of just regulation -- regulations
8 and the analysis.

9 Am I correct?

10 MR. VALELLA: Yes.

11 We are -- it's an existing one family.
12 We're proposing a two. It's in the R low density
13 residential district.

14 A requirement for a two family would be
15 2500, we have 2,503.

16 A lot width of 25, we have 25.

17 Lot depth of a hundred, we have 100.19.

18 The front yard is ten feet or the
19 prevailing setback. This is 9.7, which is the
20 prevailing setback.

21 Side yards are two feet minimum, we have
22 1.3, which is a deficiency but it is a
23 preexisting. The sum total of the yards should
24 not be any less than five. We have 5.8, which is
25 more than that.

1 The rear yard is 25 percent, we have 44
2 percent.

3 The building coverage is 60 percent, we
4 have 59. So, we're actually even under building
5 coverage.

6 Lot coverage is 85, we're at 85.

7 Maximum stories is three, we're at two, two
8 and a half, depending how you want to read it.

9 Forty feet, we're at 27 in height.

10 And parking requirement would be two and we
11 have none. We do not have parking onsite. We do
12 have a landscape yard in the front, which I would
13 not like to tear into to create that condition.
14 I think that would do more damage than good. And
15 it doesn't have the depth anyway to provide a
16 parking space, which is 18 feet.

17 It's a nice house. It -- the use has been
18 there for -- for decades. I don't need to do
19 very much to bring it to today's safety
20 standards. I don't have an issue with it.

21 MR. MAYEROVIC: I have no further
22 questions.

23 MR. PANEQUE: Any further witnesses?

24 MR. MAYEROVIC: No further witnesses.

25 VICE CHAIRMAN GRULLON: Mr. Valella, I need

1 | some clarifications here.

2 | According to the document that Mr.
3 | Mayerovic provide us, A-1, you have two
4 | apartments in that lot; 475 and 288 -- you know,
5 | four -- 475 square footage and 288. But on the
6 | sketches that you providing, I don't see those
7 | dimensions.

8 | Are you expanding the -- the apartments
9 | here?

10 | MR. VALELLA: No. We're not --

11 | VICE CHAIRMAN GRULLON: Could you -- could
12 | you go over the sketch?

13 | MR. VALELLA: Yeah. We're not expanding
14 | the floor --

15 | VICE CHAIRMAN GRULLON: Because what I see
16 | here it's 488; I'm sorry to interrupt.

17 | MR. VALELLA: Yeah. We're not expanding
18 | the footprint of this building. What's there is
19 | there and period.

20 | What we have, we field measure -- when we
21 | -- we measure the house when we go to do our
22 | drawings, so the square footages that I'm giving
23 | you are the result of us going out and measuring.
24 | And the -- the result of that is that this ground
25 | floor apartment is 580 square feet. And the

1 upstairs apartment is 488 for -- plus 417, about
2 900 square feet altogether.

3 That's what was there the day that we
4 measured it. It -- it -- I don't know how they
5 arrived at 475, but it's 580 is the square foot
6 of this unit.

7 You know, we're not -- we're not
8 professional surveyors, but we do this everyday.
9 We go measure so we can do our drawings. And
10 these -- I'm very confident that our square
11 footage is correct, within industry standard.

12 VICE CHAIRMAN GRULLON: But you're not
13 expanding the footprint of the building.

14 MR. VALELLA: No. We're not making this
15 house any bigger.

16 MR. MAYEROVIC: We're not -- we're not --
17 whatever is being done is just internally.

18 MR. VALELLA: We're --

19 MR. MAYEROVIC: To legal -- and even
20 internally, it's just minimal work to bring it up
21 to Code and to satisfy whatever the Building
22 Department is going to require.

23 MR. VALELLA: This building, in --
24 sometimes, when I come into one of these
25 apartments, I need to take the walls down to make

1 | it safe and livable. This one is not the case.
2 | We're not making this any bigger. We're not
3 | changing the layout.

4 | I will most likely have to go in and change
5 | the electrical outlets, fire rate the ceiling,
6 | things like that.

7 | I -- I also -- I'm sorry. I do want to
8 | expand one other thing.

9 | The -- the slab on the front part of the
10 | apartment is 6.9 at the moment and I'm going to
11 | take out the flooring so that I can get seven
12 | feet of ceiling height in the front. It's eight
13 | feet in the back.

14 | But no, we're not making this any bigger.

15 | VICE CHAIRMAN GRULLON: And apartment
16 | number 1, is that a -- a two level apartment?

17 | MR. VALELLA: Yes. Apartment number 1 is,
18 | let's call it the existing apartment, and that is
19 | a two level unit. You go up the stairs, and
20 | you're in the living room and the kitchen, and
21 | then you go up to what must have been the attic,
22 | at some point, or maybe it was built this way to
23 | begin with, and then you have the two bedrooms
24 | and the bathroom.

25 | So, it's a duplex, you can say, but it's a

1 | traditional two story house, although --

2 | VICE CHAIRMAN GRULLON: Okay.

3 | And apartment number 2 --

4 | MR. VALELLA: Yes.

5 | VICE CHAIRMAN GRULLON: -- the egress to
6 | that apartment.

7 | Could you just explain it, please?

8 | MR. VALELLA: Yes. The -- the apartment is
9 | very safe. This is one of the safer ones. It
10 | has a -- you walk from the side yard and you have
11 | a door providing access to the apartment. In
12 | addition to that, you have three windows in the
13 | living room that you could egress out of. And
14 | you have a window into the rear yard from the
15 | bedroom, as well.

16 | So, this is a very conventional. You have
17 | a door, you walk into your apartment. The -- the
18 | circulation is separate completely from -- from
19 | the other unit.

20 | VICE CHAIRMAN GRULLON: Okay.

21 | I don't have any other question.

22 | Any member of the Board?

23 | This your last witness?

24 | MR. MAYEROVIC: Yes.

25 | VICE CHAIRMAN GRULLON: At this point, I

1 want to open -- open to the public for any
2 question.

3 THE SECRETARY: There's people back there
4 that was for the application.

5 VICE CHAIRMAN GRULLON: Any member of the
6 public want to step forward for this application?

7 MS. DILLON: Right over here, ma'am.

8 Please raise your right hand.

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

11 MS. HENRIQUEZ: Yes, I do.

12 MS. DILLON: Can you please state your name
13 and spell it for the record, slowly?

14 MS. HENRIQUEZ: Mabel Henriquez.

15 MS. DILLON: Mabel, M-A-B --

16 MS. HENRIQUEZ: M-A-B-E-L.

17 MS. DILLON: Okay.

18 And last name?

19 MS. HENRIQUEZ: Henriquez. Start with a
20 H-E-N-R-I-Q-U-E-Z.

21 MS. DILLON: Okay.

22 And your address?

23 MS. HENRIQUEZ: 126 39th Street, Union
24 City, New Jersey.

25 MS. DILLON: Thank you very much.

1 VICE CHAIRMAN GRULLON: You may proceed,
2 Ms. Henriquez.

3 MS. HENRIQUEZ: Well, we receive a letter
4 from I think the lawyer, from our neighbors, and
5 our concern was saying that maybe -- maybe a
6 parking lot, maybe they're going to build and --
7 and you know, we don't know how going to do about
8 -- that was our concern. I thought maybe they're
9 going to touch our property. So, that's why I
10 was scared and that's why we're here. And we
11 were --

12 VICE CHAIRMAN GRULLON: Could you answer
13 that question?

14 She's concerned --

15 MR. MAYEROVIC: No, we're not doing any
16 outside structural work. There's nothing going
17 to be done -- I got to talk lower. There's
18 nothing going to be done to the outside of the
19 building. Whatever's going to be done is, in a
20 way, minimal amount of interior work.

21 Go ahead. I'll have the architect.

22 (Whereupon, Mr. Valella addressed Ms.
23 Henriquez in Spanish.)

24 MR. VALELLA: Do you mind if I speak to her
25 in Spanish?

1 VICE CHAIRMAN GRULLON: I don't mind but we
2 have to translate it for the record.

3 MR. VALELLA: No. Let's leave it in
4 English.

5 MS. HENRIQUEZ: Okay.

6 MR. VALELLA: Okay.

7 The house is existing and it stays.
8 There's nothing outside of the house that's going
9 to be done. In fact, there's nothing really
10 inside that's going to be done except for
11 sprinklers and -- and electrical and things like
12 that. But from your house, nothing changes.

13 MS. HENRIQUEZ: Okay.

14 MR. VALELLA: Nothing changes.

15 MS. HENRIQUEZ: Nothing? That was my
16 concern.

17 Thank you.

18 MR. MAYEROVIC: I -- I have nothing --

19 VICE CHAIRMAN GRULLON: Thank you, Ms.
20 Henriquez.

21 Any other member of the public wants to
22 step forward?

23 No? No?

24 MR. PANEQUE: Before we proceed, Mr.
25 Mayerovic, I just want to point out the

1 following, which is the exhibit that you
2 introduced.

3 MR. MAYEROVIC: Yes.

4 MR. PANEQUE: The exhibit that you
5 introduced, when the Tax Assessor assessed this
6 property, which you claim was 1992?

7 MR. MAYEROVIC: That's what they told me in
8 the --

9 MR. PANEQUE: Okay.

10 MR. MAYEROVIC: -- Building Department.

11 MR. PANEQUE: They listed it as a three
12 unit.

13 Okay?

14 And, in fact, if we go through it, they
15 found three bathrooms and three kitchens, which
16 are listed here.

17 Apparently, that third kitchen is now gone.

18 MR. MAYEROVIC: Right.

19 MR. PANEQUE: Okay?

20 So, it's being used now as a two family and
21 that's the representation to the Board?

22 MR. MAYEROVIC: Absolutely.

23 MR. PANEQUE: Okay.

24 MR. MAYEROVIC: We -- we're using it just
25 as a two family house. In fact, when the

1 Building Department violated us for the other
2 apartment, we -- the tenant -- we -- we -- it's a
3 long time ago, but we got the tenant out. I
4 forgot the exact circumstances, but I believe the
5 tenant was out. And this will be a two family
6 house.

7 MR. PANEQUE: Okay.

8 So, there was a third unit here. Your
9 statement was you were violated for the third
10 unit.

11 MR. MAYEROVIC: We were --

12 No, I -- I didn't mean to say that it was
13 two units. But we brought it down to one. I
14 believe that's what it was.

15 Is that correct?

16 MR. RASSOULINEJAD: Two units.

17 MR. MAYEROVIC: Yes.

18 MR. PANEQUE: So, currently, how many
19 tenants do you have there?

20 MR. MAYEROVIC: Today?

21 MR. PANEQUE: Today.

22 MR. RASSOULINEJAD: One.

23 MR. MAYEROVIC: It's one.

24 MR. PANEQUE: And do you -- do you have the
25 layout as the two kitchens, as we stand here

1 today?

2 MR. MAYEROVIC: I'm sorry?

3 MR. PANEQUE: Is the layout, as Mr. Valella
4 has testified, with two kitchens and three
5 bathrooms?

6 MR. MAYEROVIC: Right.

7 MR. PANEQUE: Mr. Valella, --

8 MR. VALELLA: May I?

9 MR. PANEQUE: -- that's what's there now?

10 MR. VALELLA: Yes. What is on my drawings,
11 is a result of our site visit. So, that's what
12 was there when we --

13 MR. PANEQUE: Okay.

14 I just want to point out to the Board that
15 it appears that at least in 1992, this property,
16 which back in the '70s was a one unit, had been
17 converted to three units. The representation to
18 the Board now is that it's being used as a two.

19 And the request to the Board, if I may
20 reiterate, Mr. Mayerovic, is that you're asking
21 that this Board approve a one family conversion
22 to a two family.

23 MR. MAYEROVIC: That's correct.

24 MR. PANEQUE: Okay.

25 And there's -- would you stipulate that

1 under no conditions is it to be used as a three
2 family?

3 MR. MAYEROVIC: Of course not. I mean --

4 MR. PANEQUE: Okay.

5 I would just request that that --

6 VICE CHAIRMAN GRULLON: To be --

7 MR. PANEQUE: -- be part of the resolution.

8 Okay?

9 Because we don't want to go back to what
10 was in 1992, three units.

11 MR. MAYEROVIC: Two family. That's what
12 we're here for.

13 MR. PANEQUE: Okay.

14 VICE CHAIRMAN GRULLON: Thank you,
15 counselor.

16 At this time, I want to close to the
17 public.

18 I want to make a motion, taking in
19 consideration that this application is to convert
20 a one -- this -- this lot of one -- one legal
21 unit into two units, and it's going to make it
22 more compliant for safety. And also, the -- no
23 expansion of the existing condition. And it's
24 also preexisting condition. I make a motion to
25 grant this application.

1 THE SECRETARY: Motion to grant the
2 application by Mr. Grullon.

3 MS. GUTIERREZ: I'm seconding.

4 THE SECRETARY: Seconded by Ms. Gutierrez.
5 Roll call on the motion.

6 Mr. Grullon?

7 VICE CHAIRMAN GRULLON: Yes.

8 THE SECRETARY: Ms. Gutierrez?

9 MS. GUTIERREZ: Yes.

10 THE SECRETARY: Mr. Pressey?

11 MR. PRESSEY: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Ms. Pena?

17 MS. PENA: Yes.

18 THE SECRETARY: Mr. Cetinich?

19 MR. CETINICH: Yes.

20 THE SECRETARY: Seven in favor.
21 Motion carries.

22 VICE CHAIRMAN GRULLON: Thank you.

23 MR. MAYEROVIC: Just --

24 THE SECRETARY: Thank you.

25 MR. MAYEROVIC: -- one -- one question,

1 just so I have -- just for the record.

2 A-1 will be my submission which was the
3 1992 reval. And A-2 would then be the plans that
4 Mr. -- the arch -- Mr. Valella testified.
5 Orestes.

6 MR. PANEQUE: No. There is no A-2, because
7 those plans are part of your application. They
8 are already in your application.

9 MR. MAYEROVIC: That's okay. I just wanted
10 to get that --

11 MR. PANEQUE: Yes.

12 MR. MAYEROVIC: -- correct.

13 MR. PANEQUE: They've already been
14 submitted and the Board is relying on those plans
15 --

16 VICE CHAIRMAN GRULLON: Mr. --

17 MR. PANEQUE: -- for its approval.

18 VICE CHAIRMAN GRULLON: The one -- Mr.
19 Valella, could you please explain the resident
20 that are present for this application? Because I
21 know you -- that you wanted to mention some of
22 your comments in Spanish. Maybe you can explain
23 it to them before they leave?

24 MR. VALELLA: About? I'm sorry.

25 VICE CHAIRMAN GRULLON: About the -- the

1 concern they have with parking and --

2 MR. VALELLA: Yes. I will speak to them in
3 private now.

4 VICE CHAIRMAN GRULLON: Yeah. Please.

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

7 MR. VALELLA: Good night.

8 VICE CHAIRMAN GRULLON: Good night.

9 MS. GUTIERREZ: Good night.

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1 **Raul Mier -**

2 **401-403 5th Street:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, Raul Mier, 401-403 5th Street.

6 Mr. Lopez, please?

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

9 MR. PANEQUE: Yes, Mr. Lopez.

10 MR. LOPEZ: May I proceed?

11 Thank you.

12 Good evening, Board members.

13 Adolfo Lopez appearing on behalf of the
14 applicant.

15 This is a request for a modification to a
16 prior Resolution. This was approved in 2014 by
17 this Board. The problem is that after approval,
18 the case went to the Superior Court, to the
19 Appellate Division, and to the New Jersey Supreme
20 Court.

21 During that time, because it's under
22 appeal, we were unable to do anything relating to
23 an amendment to the Resolution.

24 That entire legal proceeding has now
25 finalized. The client then made application to

1 the Building Department to construct what was
2 approved. The Building Department had a -- a
3 demand, a request, for a more specific resolution
4 relating to the subdivision of the lots.

5 If I just may very quickly?

6 This is the -- and I went over this with
7 Mr. Paneque earlier. This is the original
8 application that was approved. The lots were two
9 25 by 100 lots, side-by-side. There are
10 buildings fronting on 5th Street and they overlap
11 the boundary line.

12 So, the application was to divide the lots
13 differently. They'll still be 2500. But in this
14 case, the lots will be 50 by 50 in the front, and
15 50 by 50 in the rear.

16 In the rear lot of 50 by 50, there is an
17 approval to construct a two family dwelling.
18 We're not dealing with that tonight. The
19 original approval is the original approval. The
20 only thing we are requesting is that Mr. Paneque
21 revise the Resolution to reflect the subdivision
22 of the 50/50 lots.

23 I have gone over with Mr. Paneque the
24 subdivision, the proposed subdivision application
25 that was approved at the time. I had my surveyor

1 prepare legal descriptions of the lots. And they
2 are outlined here.

3 I also went over with Mr. Paneque, this is
4 the original existing conditions. They're lots
5 that are aligned this way. And the way it was
6 approved was in this fashion; 50 by 50 and 50 by
7 50.

8 And that's the only thing we're asking that
9 the Resolution reflect the subdivision. It was
10 supposed to have it at the time. It was never
11 included by counsel. I will supply Mr. Paneque
12 with the actual legal descriptions, the metes and
13 bounds description for the two new proposed lots.

14 And that's it.

15 Mr. Paneque, I think you don't need
16 anything else from me --

17 MR. PANEQUE: No.

18 MR. LOPEZ: -- other than what I agreed
19 that I would provide you.

20 MR. PANEQUE: Yes.

21 Thank you, Mr. Lopez.

22 For the edification of the Board, prior to
23 coming tonight, I was provided by Mr. Lopez,
24 through Mr. -- our Secretary, Mr. Vallejo, with
25 copies of the decision of the court. As Mr.

1 Lopez stated, this matter first went to the
2 Superior Court Law Division. Then it was
3 appealed to the Appellate Division. Both the Law
4 Division and the Appellate Division ruled in
5 favor of the applicant. And again, the
6 appellant, which was Mr. Price.

7 MR. LOPEZ: Correct.

8 MR. PANEQUE: And then, it even went up to
9 the Supreme Court. And the Supreme Court did not
10 grant certiorari so it did not hear the case.
11 Therefore, it upheld the Appellate Division
12 decision.

13 So, the application basically has been
14 approved, and found to be valid by -- all the way
15 through to the Appellate Division.

16 The -- the one hiccup that we have now is
17 that when it came to the Building Department,
18 there was nothing written in the Resolution that
19 was done indicating that there was a subdivision.
20 And that these two properties, which were 25 by a
21 hundred each, were now subdivided differently.
22 Instead of bound the long way, they were divided
23 across, creating two 50 by 50 properties. And
24 that was done to accommodate the existing
25 buildings that are there overlapping the lines.

1 This Board is only being requested to,
2 basically, authorize the subdivision, which was
3 part of the original application.

4 I did go through that transcript. It did
5 make that application at that time. It was an
6 oversight that it was not included in the
7 Resolution back in 2014?

8 MR. LOPEZ: That's correct.

9 MR. PANEQUE: Okay.

10 At the time, I was not here. So, the --
11 the Resolution did not contain that and the
12 Building Department is correct in asking for that
13 Resolution to be revised.

14 MR. LOPEZ: Mr. Paneque, I'll provide you
15 with the metes and bounds descriptions for the
16 two new lots, as laid out by the surveyor, send
17 you electronic copies.

18 MR. PANEQUE: Thank you.

19 VICE CHAIRMAN GRULLON: Mr. Paneque, just
20 to clarify.

21 The construction approval they have --

22 MR. PANEQUE: Well, no. I don't think you
23 have construction approval yet, because you're at
24 the Building Department stage.

25 MR. LOPEZ: That's -- we -- everything was

1 submitted to the Building Department. And during
2 plan review, the Building Department requested
3 the amendment to the Resolution.

4 So, yes, we're ready -- ready to carry out
5 the work, but they are awaiting now this
6 amendment.

7 VICE CHAIRMAN GRULLON: Actually, what I
8 mean -- what I meant to say is that the plans
9 that they have are to construct two buildings in
10 a -- in a 50 by 50 lot.

11 MR. PANEQUE: No. The plans that they
12 have, basically --

13 VICE CHAIRMAN GRULLON: Do you have the
14 plans there?

15 MR. LOPEZ: Yes.

16 MR. PANEQUE: Yeah.

17 VICE CHAIRMAN GRULLON: Can I see?

18 MR. PANEQUE: The plans created a 50 by 50
19 lot, which with the existing building, on one of
20 those lots, and the new 50 by 50 lot would have
21 the new building that's being created.

22 So, there's only one building being put up
23 on the newly created lot, which is a two family.

24 Right, --

25 MR. LOPEZ: Correct.

1 MR. PANEQUE: -- Mr. Lopez?

2 MR. LOPEZ: The others are existing.

3 VICE CHAIRMAN GRULLON: The others are
4 existing.

5 MR. PANEQUE: Yeah.

6 MR. LOPEZ: If I may, Mr. --

7 VICE CHAIRMAN GRULLON: Yeah. I just want
8 to take --

9 MR. LOPEZ: Yeah.

10 This is -- this is -- I'm sorry.

11 This is the original. This is the only
12 thing that's being put up. And this is the --
13 the subdivision.

14 These were -- this was the original plans
15 and approvals. This is -- this shows the
16 subdivision.

17 VICE CHAIRMAN GRULLON: Okay.

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

20 VICE CHAIRMAN GRULLON: Okay, Mr. Alonso
21 (sic) -- Lopez. I understand. (Indiscernible).

22 MR. LOPEZ: It's a little --

23 VICE CHAIRMAN GRULLON: Yeah.

24 MR. LOPEZ: -- a little complicated. This
25 is Mr. Vallejo's.

1 VICE CHAIRMAN GRULLON: And your request is
2 to subdivide the lot. Could you just go back,
3 and --

4 MR. LOPEZ: Yeah. The -- the original
5 application approved the subdivision. This is
6 not something that we're requesting now. It was
7 approved at the time. The only thing is that the
8 attorney for the Board forgot to include that in
9 the Resolution. But it was -- it was part of the
10 application. We would not be able to construct
11 the house without the lot being subdivided in
12 that fashion.

13 And I think Mr. Paneque confirmed that he
14 -- that the transcript indicated as much.

15 MR. PANEQUE: Correct.

16 The -- the thing that we have here is that
17 we originally had two lots. And they ran 25 by a
18 hundred down. The existing house overlapped both
19 lots at -- at the bottom section. So, in order
20 to make the existing house stay in that one lot,
21 that became a 50 by 50. And then, the top one
22 became a 50 by 50.

23 VICE CHAIRMAN GRULLON: Okay.

24 MR. PANEQUE: Now, you can't have -- and
25 Mr. Spatz, you can't have two structures on one

1 lot. So, we have two existing lots being
2 subdivided to have each lot with its own
3 structure.

4 MR. SPATZ: That -- that's correct. You're
5 only allowed one principal building on the lot.

6 VICE CHAIRMAN GRULLON: Understood.

7 Any other member of the Board has any
8 question?

9 Any members of the public wants -- have any
10 questions?

11 No one from the public.

12 With that, I want to make a motion to grant
13 the -- the request for -- to subdivide the lot
14 into two 50 lots.

15 MR. PANEQUE: If I may just clarify that?

16 The approval of this Board would be to
17 revise the Resolution to include the subdivision,
18 which was already previously approved.

19 VICE CHAIRMAN GRULLON: Again, I make a
20 motion to revise the Resolution that was
21 previously approved from 2014 to reflect two lots
22 of 50 by 50.

23 MR. PANEQUE: Correct.

24 MS. GUTIERREZ: And I'm seconding.

25 THE SECRETARY: Motion on the table --

1 VICE CHAIRMAN GRULLON: Thank you,
2 counselor.

3 THE SECRETARY: -- to approve the revised
4 Resolution by Mr. Grullon.

5 Seconded by Ms. Gutierrez.

6 Roll call on the motion.

7 Mr. Grullon?

8 VICE CHAIRMAN GRULLON: Yes.

9 THE SECRETARY: Ms. Gutierrez?

10 MS. GUTIERREZ: Yes.

11 THE SECRETARY: Mr. Pressey?

12 MR. PRESSEY: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Ms. Pena?

18 MS. PENA: Yes.

19 THE SECRETARY: Mr. Cetinich?

20 MR. CETINICH: Yes.

21 THE SECRETARY: Seven in favor.

22 Motion carries.

23 MR. LOPEZ: Thank you.

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

1 **CHA Partners, LLC -**
2 **546-548 35th Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, CHA Partners, LLC, 546-548 35th
6 Street.

7 This application was adjourned on October
8 8, 2020.

9 Mr. Lopez, please?

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

12 THE SECRETARY: Go ahead, Mr. Lopez.

13 MR. LOPEZ: Thank you.

14 Mr. Chairman, members of the Board, if you
15 will please recall, this is a project that we
16 presented to you at the last meeting.

17 Mr. Chairman, you asked us to provide some
18 additional information relating to the
19 surrounding area. Some additional information on
20 the traffic studies and some additional showing
21 of lighting in and around the building, for
22 safety purposes.

23 To that end, I will explain what Mr.
24 Izquierdo and I did.

25 You also asked that we return to the

1 neighborhood and address some of the issues that
2 -- any issues that may come up.

3 If you will recall, there were two
4 neighbors here last time. They had some
5 questions, which we answered and fully to their
6 satisfaction. We went to their homes on our
7 visit to the site. They represented to us that
8 based upon what we told them, they had no problem
9 with the project going forward. They're not here
10 tonight, as they indicated to us.

11 We have some -- we have several things that
12 we're going to show you. We have some
13 photographs at the site, which show how this
14 property will fit -- fit in. And we'll show this
15 Board that there are many, many structures that
16 are much higher, number one. And in terms of the
17 number of apartments, we have many, many
18 structures -- five or six structures which
19 contain either more apartments, or if they
20 contain less apartments, they do so in a very,
21 very small lot, in a 25 by a hundred, while we
22 have a massive lot.

23 So, we fully intend to show this Board
24 these additional items of concern this evening.

25 Any preference as to the -- our -- as to

1 | the planner or the traffic expert, that you want
2 | to hear first?

3 | VICE CHAIRMAN GRULLON: No, no. You can
4 | proceed --

5 | MR. LOPEZ: Okay.

6 | VICE CHAIRMAN GRULLON: -- in the order
7 | that you prefer.

8 | We want to hear all -- all your
9 | presentation. And then ask --

10 | MR. LOPEZ: Thank you.

11 | Mr. --

12 | VICE CHAIRMAN GRULLON: -- questions at the
13 | end.

14 | MR. LOPEZ: Mr. Izquierdo, if you can come
15 | forward please?

16 | And I will remind the Board, Mr. Izquierdo
17 | was sworn as an expert last time. I guess you
18 | will have to swear him for this meeting again,
19 | but he's been previously qualified.

20 | VICE CHAIRMAN GRULLON: Welcome back, Mr.
21 | Izquierdo.

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

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

25 | MR. IZQUIERDO: I do.

1 MS. DILLON: Please just state your name
2 for the record.

3 MR. IZQUIERDO: My name is Jose Izquierdo.

4 MS. DILLON: Mr. Izquierdo if -- excuse me,
5 Mr. Lopez.

6 You just need to work out that you are in
7 the range of that microphone not -- you can't
8 step completely in front of it. It was a little
9 -- there were parts that were a little difficult
10 for me last time. So, I don't know if you need
11 to move that back a little.

12 MR. IZQUIERDO: Okay.

13 MS. DILLON: I'm not --

14 MR. IZQUIERDO: No, no, no, no, no.

15 MS. DILLON: -- using the -- I'm not using
16 the wireless mic during COVID so --

17 MR. IZQUIERDO: I will stay here in front
18 of the microphone.

19 MS. DILLON: Yeah.

20 MR. IZQUIERDO: Oh, no.

21 Thanks for mentioning it.

22 MS. DILLON: We're all trying to get
23 through it.

24 MR. IZQUIERDO: Please, I have no other way
25 of knowing unless you let me know.

1 MS. DILLON: So, --

2 MR. IZQUIERDO: Thank you.

3 MS. DILLON: -- thank you.

4 MR. LOPEZ: All right.

5 So, Mr. Izquierdo, you were here last time
6 when the Board gave us some additional
7 instructions as to what they were looking for
8 relating to the site and the surrounding
9 neighborhood.

10 Is that correct?

11 MR. IZQUIERDO: Yes, I was.

12 MR. LOPEZ: And after that meeting, you and
13 I had an opportunity to return to the site for
14 photographs, and for conversations with
15 neighbors.

16 Is that correct?

17 MR. IZQUIERDO: Yes. We were.

18 MR. LOPEZ: Now, you -- you took some
19 photographs of the surrounding neighborhood. You
20 have those with you this evening?

21 MR. IZQUIERDO: Yes, I did.

22 MR. LOPEZ: So let's --

23 MR. IZQUIERDO: And I have.

24 MR. LOPEZ: Let's start with that, and
25 let's show the Board what each of those

1 | photographs show and its proximity to the
2 | building, in any order you -- you would like.

3 | MR. IZQUIERDO: Twelve photographs.

4 | Are they all going to be A-1?

5 | MR. LOPEZ: Well, no. We have previous
6 | markings.

7 | MS. DILLON: Yes. I was --

8 | MR. LOPEZ: Yeah.

9 | MS. DILLON: -- just going to look that up.

10 | MR. LOPEZ: The rendering was A-1 and the
11 | traffic report was introduced as A-2, according
12 | to my notes.

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

15 | MS. DILLON: That's correct. So, this will
16 | be A-3.

17 |

18 | (Whereupon, Photographs (Set of 12) were
19 | received and marked as Exhibit A-3.)

20 |

21 | MR. IZQUIERDO: So, the first photograph of
22 | a set of 12 of A-3 shows a view facing west on
23 | 36th Street, and we have Walgreen's on our left
24 | hand side or south, and we're looking at oncoming
25 | traffic to 36th Street.

1 The second picture of the set of 12 shows
2 actually 35th Street in front of the parking lot
3 being paved by the Burger King. It was actually
4 taken on a Saturday. The parking lot being paved
5 in front of the street on 35th Street, with all
6 the machines outside. Similar paving on 35th
7 Street, showing the church and showing also the
8 number of two families that we addressed in our
9 -- in our testimony. And those two families are
10 part of the composition of the neighborhood on
11 35th Street. Beyond those, on 34th Street, are
12 the multi-family buildings that the attorney
13 referred to in the -- in terms of their -- their
14 having 32 units and whatnot.

15 MR. LOPEZ: Mr. Izquierdo, before you go
16 on.

17 In terms of the height of these structures
18 shown in this second photograph --

19 MR. IZQUIERDO: Everything is taller than
20 us.

21 MR. LOPEZ: Put it into perspective,
22 please. Like --

23 MR. IZQUIERDO: Fifty percent higher.

24 MR. LOPEZ: So, this would be the parking
25 lot --

1 MR. IZQUIERDO: And we're two-thirds.

2 MR. LOPEZ: And --

3 MR. IZQUIERDO: We're 60 percent. That's a
4 six story building. We're a four story building.

5 MR. LOPEZ: Okay.

6 MR. IZQUIERDO: And the parking lot by
7 itself, even though the -- the floors are very
8 small, once you generate from one to the other,
9 you generate more floor-to-floor height. So,
10 actually a six story parking structure is taller
11 than a six story residential building. We have a
12 four story residential building.

13 MR. LOPEZ: And right next to the parking
14 structure, and I know there's another photograph,
15 but that's the church.

16 Correct?

17 MR. IZQUIERDO: Oh, yeah, the church. But
18 the church steeple cannot be thrown into this
19 analysis.

20 MR. LOPEZ: But even --

21 MR. IZQUIERDO: Because it's out of -- yes.

22 MR. LOPEZ: The church building is also
23 very, very tall, is it not?

24 MR. IZQUIERDO: As it should be.

25 MR. LOPEZ: Correct.

1 MR. IZQUIERDO: Correct.

2 MR. LOPEZ: And this other photograph, this
3 -- this building right here --

4 MR. IZQUIERDO: That's the -- the school.

5 MR. LOPEZ: Correct. And that's -- well,
6 this is the old Holy --

7 MR. IZQUIERDO: Family.

8 MR. LOPEZ: -- Family School.

9 MR. IZQUIERDO: Yes.

10 MR. LOPEZ: That's directly across from the
11 proposed site on 35th.

12 MR. IZQUIERDO: Yes. And that's a huge
13 building. It's tall.

14 MR. LOPEZ: In terms of height, put it in
15 perspective as -- this building --

16 MR. IZQUIERDO: It has to be 50 percent
17 higher than us, even though it's --

18 (indiscernible) -- just like a floor higher.

19 It's just our floors are nine feet and those
20 buildings, the schools, they have 12 feet. They
21 have 15 foot ceilings.

22 Every -- every -- all the older buildings
23 around us are fairly tall. Very tall.

24 MR. LOPEZ: Please continue.

25 MR. IZQUIERDO: Yeah. This is a picture

1 of, actually, just a fence in front of our lot in
2 -- on 36th Street, because that's -- we have -- we
3 have a vacant lot.

4 MR. LOPEZ: And -- and the large structure
5 behind is the one that you referred to before,
6 the school.

7 Is that correct?

8 Just looking at it from 36th Street.

9 MR. IZQUIERDO: Yes.

10 And then, these are the houses across the
11 street from us, on 36th Street. So, these would
12 be the houses directly in front of us on -- on
13 36th Street. Thirty -- 35th Street being paved,
14 actually, in front of us, and actually the --
15 this shows the house of the lady that was here.
16 The lady that was here. And actually, and the --
17 and the other -- the -- the Hasidic couple.

18 MR. LOPEZ: Um hum.

19 MR. IZQUIERDO: Yeah. That shows the
20 house.

21 And this shows the -- you know, this shows
22 the -- the school is a four story building but
23 the second story has to be 20 feet high.

24 MR. LOPEZ: This is the school you were
25 referring --

1 MR. IZQUIERDO: That's the school.

2 MR. LOPEZ: -- to before.

3 MR. IZQUIERDO: That's the school.

4 MR. LOPEZ: And this is directly across the
5 street on 35th.

6 MR. IZQUIERDO: On 35th.

7 MR. LOPEZ: Yes.

8 MR. IZQUIERDO: Yes.

9 And right next to us, on 35th, is the -- is
10 -- are these houses. And then, beyond those
11 houses is the church.

12 These are the two family houses along 35th
13 Street, the church, the steeple, and the six
14 story parking structure by the City of Union
15 City.

16 And then, another view of 36th Street,
17 showing the parking lot at the ends. And the
18 parking lot, of course, straddles between 36 and
19 35th Street, identical to our building.

20 MR. LOPEZ: Okay.

21 Now, and -- Mr. Paneque will circulate
22 those among Board members.

23 Mr. -- Mr. Izquierdo, let's now -- let's
24 now go into somewhat of a zoning analysis of some
25 buildings in the immediate area and what we

1 | discovered in terms of units, density, units per
2 | -- as a ratio of the units per square footage of
3 | lots.

4 | And I think you made some notes relating to
5 | the number of units.

6 | MR. IZQUIERDO: I did.

7 | MR. LOPEZ: If you could please describe
8 | those buildings for the Board?

9 | MR. IZQUIERDO: Correct.

10 | MR. LOPEZ: If you want --

11 | MR. IZQUIERDO: Everything that is red is a
12 | multi-family building. Everything that is red
13 | there, orange or whatever the red one, is a
14 | multi-family building. And this is us. We're
15 | these 27 units here.

16 | Do you want me to -- let me move this up
17 | front. I'm sorry.

18 | Wait. No, no, no.

19 | MR. LOPEZ: I'll move this back, Jose.

20 | MR. IZQUIERDO: No, no, no, no, no. Wait
21 | one second.

22 | Okay. Am I correct here or it should be --

23 | MS. DILLON: Stand to the side. That's
24 | perfect.

25 | MR. IZQUIERDO: Okay.

1 MS. DILLON: Okay.

2 MR. IZQUIERDO: So, everything in that
3 building, everything in that drawing that is red
4 is a multi-family building. Starting from the
5 bottom; 32 units, 28 --

6 MR. LOPEZ: Wait, wait.

7 MR. IZQUIERDO: -- units.

8 MR. LOPEZ: Wait, Jose. Wait.

9 MR. IZQUIERDO: And 24.

10 MR. LOPEZ: Wait. Wait.

11 MR. PANEQUE: Mr. Lopez, the Chairman has
12 made a decision that the Board has looked at the
13 pictures that you put up on your easel and we
14 wanted to accept that without circulating them,
15 because he's concerned with circulating and
16 everything.

17 MR. LOPEZ: That's fine.

18 MR. IZQUIERDO: That's actually a very good
19 calling.

20 MR. LOPEZ: That's fine.

21 Thank you.

22 I'm sorry. I didn't --

23 MR. IZQUIERDO: Very good calling. Yeah.

24 MR. LOPEZ: Very good point. So --

25 MR. IZQUIERDO: Okay.

1 So, in the bottom --the bottom red
2 triangle, which shows multi-family MF and MF,
3 those are three properties. One is 531 34th
4 Street, and that has 32 units; 529 34th Street has
5 28 units; 527 34th Street has 24 units, plus the
6 super's apartment. So, those three buildings are
7 bigger and only one is similar to us.

8 And then, the others more or --

9 MR. LOPEZ: And let me -- let me stop you
10 one second.

11 And what type of square footage are those
12 lots where these buildings sit, in comparison to
13 ours?

14 MR. IZQUIERDO: Fifty percent.

15 MR. LOPEZ: Fifty percent of the size of
16 the proposed lot. Okay.

17 MR. IZQUIERDO: Yeah. And I'm being
18 generous.

19 MR. LOPEZ: Okay.

20 MR. IZQUIERDO: Yes.

21 The other red triangle here has 16 units,
22 16; 12 and 16. So, out of the two, four, seven,
23 eight multi-family buildings in the area, the one
24 next to Taco Bell has 16 in a six story building.
25 The other one furthestmost there by 38th Street on

1 37th, has 12 units. We have 27 units. The other
2 one has 16 units right next to us. Across us, on
3 559 34th Street, in the 50 by a hundred that you
4 mentioned, has 16 units. And the other ones have
5 32, 28 and 27.

6 MR. LOPEZ: Mr. Izquierdo, would it be fair
7 to say that in terms of units per square foot of
8 lots, all of those buildings occupy more units
9 per -- per square foot.

10 MR. IZQUIERDO: A hundred percent, a
11 hundred percent. Because we have parking,
12 because we're subject to the new zoning. We
13 don't have a density variance. And -- and the
14 density in Union City is not equated anymore in
15 how many dwelling units do we have per acre. But
16 even if we -- if we do it dwelling units per
17 acre, we have a lower density than any of those
18 buildings. And if we do it by the present
19 standard, where -- where a studio is 400 square
20 feet and -- and one bedrooms are 550 square feet,
21 they have a density variance. And I'm not
22 suggesting that they do. I know they're
23 grandfathered. I'm saying that it's not
24 comparable.

25 MR. LOPEZ: Right. Ours is -- there's no

1 comparison --

2 MR. IZQUIERDO: Our units --

3 MR. LOPEZ: -- what's being proposed.

4 MR. IZQUIERDO: Our units are a thousand
5 square feet, 900 square feet.

6 MR. LOPEZ: Right.

7 MR. IZQUIERDO: Yeah.

8 MR. LOPEZ: Please go into the -- the
9 modifications that you made showing the proposed
10 lighting --

11 MR. IZQUIERDO: I don't have them printed
12 out. However, I do remember them. I do remember
13 them.

14 MR. LOPEZ: Right here.

15 MR. IZQUIERDO: The Board had a concern and
16 wanted to -- us to clarify what not only our
17 lighting scheme was, but also in terms of
18 security.

19 And there was an amendment, which we called
20 amendment number three, which is lighting and
21 security, and we show the lighting levels within
22 the parking structure to be no lesser than one,
23 which is the foot candles required for that, with
24 a high intensity of no more than five. We have
25 the horizontal, we have the vertical. We're also

1 showing all the lighting along the egress courts
2 here, on the landscaping, which is lower, the
3 lower intensity.

4 MR. LOPEZ: And Mr. Grullon, that's
5 something that was a concern last time that was
6 addressed along this corridor on the side.

7 MR. IZQUIERDO: Yeah.

8 VICE CHAIRMAN GRULLON: One of the
9 neighbors --

10 MR. LOPEZ: That the neighbor was here. We
11 showed this to him and he was satisfied.

12 MR. IZQUIERDO: Yeah. We're set back from
13 all the property lines on 44 inches and
14 everything is lit, everything is either paved or
15 landscaped, paved if we have like a -- like a
16 service area.

17 And then we have identified our most
18 important points, our fire exit north and our
19 fire exit south. We have identified also our
20 points of entry, pedestrian, residence and -- and
21 vehicular. Also, service entrance over here, as
22 potential points of -- of intrusions or whatnot.
23 And then, we have -- also we have put strobe
24 lights by the garage doors, so they will
25 automatically sound when the garage is activated.

1 And we have also concave.

2 MR. LOPEZ: Mirrors.

3 MR. IZQUIERDO: Convex -- convex mirrors at
4 the entrances, so that people know of oncoming
5 traffic.

6 MR. LOPEZ: I believe that addresses as far
7 --

8 VICE CHAIRMAN GRULLON: Sure.

9 MR. LOPEZ: -- as the architect/planner is
10 concerned. I believe that addresses all the
11 questions that the --

12 VICE CHAIRMAN GRULLON: Yes.

13 MR. LOPEZ: -- Board had last time.

14 VICE CHAIRMAN GRULLON: Yeah that's very --

15 MR. LOPEZ: But certainly, I -- if there
16 are any questions --

17 VICE CHAIRMAN GRULLON: Very good, Mr.
18 Izquierdo.

19 MR. IZQUIERDO: Thank you.

20 Thank you.

21 If we have any question, we leave it for
22 the end.

23 MR. LOPEZ: Thank you.

24 Thank you.

25 VICE CHAIRMAN GRULLON: Thank you, Mr.

1 Izquierdo.

2 MR. LOPEZ: If I could have my traffic
3 expert come up?

4 MS. DILLON: Please raise your right hand.

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

7 MR. PEREGOY: Yes, I do.

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

10 MR. PEREGOY: Craig Peregoy, P-E-R-E-G-O-Y.

11 MS. DILLON: Thank you.

12 MR. LOPEZ: And just for the record, Mr.
13 Peregoy was previously admitted as a traffic
14 expert.

15 VICE CHAIRMAN GRULLON: Yes.

16 MR. LOPEZ: Mr. Peregoy, you'll recall that
17 last time, the Board asked you to make some
18 additional observations and give us some numbers
19 on -- on several issues, including taking into
20 account the reduced traffic now during the COVID
21 era, as opposed to what would be normal traffic
22 flow in the area.

23 Is that correct?

24 MR. PEREGOY: Yes.

25 MR. LOPEZ: Are you prepared to testify in

1 | that sense tonight?

2 | MR. PEREGOY: I am.

3 | MR. LOPEZ: You also were able to obtain
4 | additional information as to the school building,
5 | the type of school, the number of students, and
6 | you've incorporated that into your traffic study.

7 | Is that correct?

8 | MR. PEREGOY: Yes, I have.

9 | MR. LOPEZ: And you're ready to testify
10 | tonight?

11 | MR. PEREGOY: I am.

12 | MR. LOPEZ: Please commence with whatever
13 | area you prefer.

14 | MR. PEREGOY: Sure.

15 | Last time -- you know, we were asked to do
16 | two things like what we just discussed. One was
17 | to take a look at the traffic counts. So, we did
18 | go back out there again. Obviously, we're still
19 | within the -- the pandemic, so the numbers are
20 | lower. They were very close on JFK Boulevard.
21 | We did see higher numbers on 35th Street, so I
22 | incorporated that.

23 | And 36th Street was closed until five
24 | o'clock. It may have been the last time, too,
25 | I'm not sure. But our peak hour was 5:15 to

1 6:15. So, we were after that closure. So, we
2 did capture the full volume on 36th Street during
3 that time.

4 So, basically, I used whatever the higher
5 numbers from the older counts or these, and
6 incorporated that into the revised report.

7 And again, used the 2018 data that we had,
8 the pre-pandemic data to normalize this data and
9 bring it back to what it should be for 2020, to
10 start at the baseline.

11 The other thing that we were asked to do
12 was take a really specific look at that school.
13 It's going to be, from my understanding, a middle
14 school just shy of 650 students.

15 So, what I did to try to figure out how
16 much of that pedestrian and vehicular traffic was
17 going to go into our -- our study intersections,
18 I did a gravity model.

19 I essentially took the census tracts within
20 Union City and the population densities, and used
21 that to determine how many students were likely
22 to come from which tract, would they drive, what
23 route would they take, would they walk? And --
24 and I could then route pedestrian and vehicular
25 traffic, including teachers, probably not a lot

1 of pickup/drop off, mostly pedestrians with the
2 students, but routed that also through these two
3 intersections and updated my analysis, including
4 all of that.

5 Obviously, we saw, with the additional
6 pedestrians and vehicles, a little bit of an
7 increase in the level. We're still okay level of
8 servicewise. The more important thing, I think,
9 is when you do the comparison to without this
10 project to with this project, those levels of
11 service still do not change with the -- using the
12 highest possible data and really drilling down on
13 the school on exactly what we're going to see
14 walking past this site.

15 And as -- as I was doing this, it sort of
16 occurred to me that the morning is where it's the
17 most critical when you talk about a school and a
18 residential building. School dismisses a little
19 earlier than the peak of a residential in the
20 afternoon, but they're the same time in the
21 morning.

22 And in the morning, the most preferred
23 route for a pedestrian is going to be 36th Street.
24 You have the traffic signal there on Kennedy
25 Boulevard. So, that's where you're going to see

1 most of the pedestrians.

2 Our traffic is primarily exiting in the
3 morning. Anybody's who's driving, they're
4 heading off to work. So, they're coming out on
5 35th Street. So, we still have the opposite flow
6 there.

7 MR. LOPEZ: Thirty-fifth would be right
8 here.

9 MR. PEREGOY: Thirty-fifth would be here.
10 They're coming out again, right turn only out
11 onto 35th Street; right turn in on 36. And
12 nobody's going towards the school. If they were
13 to close 36th Street, our traffic isn't impacted.
14 Whereas, if --

15 MR. LOPEZ: And --

16 MR. PEREGOY: -- you had traditional three
17 over ones, they'd have nowhere to go.

18 MR. LOPEZ: The school would be just -- for
19 the Board, the school --

20 MR. PEREGOY: Yes.

21 MR. LOPEZ: -- would be right in this
22 location. Where it says surface parking, this is
23 where the school is to be built.

24 MR. PEREGOY: Correct.

25 MR. LOPEZ: Okay.

1 So, please refer to this as much as
2 possible when you make your statements.

3 MR. PEREGOY: Sure.

4 So, again, that's -- 36th Street and
5 Kennedy Boulevard, there's a traffic signal here.
6 So, anybody coming from west of Kennedy
7 Boulevard, who was walking, or really, anybody
8 coming from the north who was walking, but the
9 closest route is going to be 36th. So, you're
10 going to have your most heavy pedestrian traffic
11 going towards the school in the morning on 36th
12 Street, where our traffic is primarily exiting
13 onto 35th Street. So, you don't really have too
14 much of that conflict right there.

15 In the evening, like I said, the school
16 dismissal is earlier than typically people coming
17 home from work. But you'll have people leaving
18 the school when you have people primarily coming
19 into our site. So, facing one another, in other
20 words.

21 So, you're coming down 36th Street, towards
22 the school, people are walking away from the
23 school. You have good visibility. I don't see
24 any issues there at all, and especially school
25 dismissal where they're going to be the busiest

1 daytime and we're not going to be as busy.

2 So, really, this fits in perfectly with the
3 school, in terms of safety and really separating
4 our traffic from it and --

5 MR. LOPEZ: And Mr. Peregoy, in -- in a
6 point that you made earlier, contrasting this
7 with the alternative of -- of three family homes
8 here, how would that traffic flow with relation
9 to the school and how would it -- what would the
10 impact be?

11 MR. PEREGOY: Exactly.

12 Like -- like you just heard me say -- you
13 know, in the morning you're going to have -- this
14 is going to be the primary pedestrian route. So,
15 if you have the three over ones or the typical
16 tandem parking configuration, you have people
17 backing out towards these pedestrians. We're not
18 going to have any of that with this scenario.

19 I think it's a good chance that you're
20 going to see the -- the street shut down, like
21 you see a lot of times with schools. Doesn't
22 impact this property at all. They can come out
23 onto 35th Street. In fact, they have to come out
24 onto 35th Street. So, there's no impact there.
25 If you had the traditional three over ones, these

1 people are -- are kind of stuck. They're going
2 the wrong way or they're -- I don't know what
3 they would do.

4 So, the fact that we have that through lot
5 capability makes this a -- you know, uniquely,
6 from a traffic perspective, and an avoidance of
7 impacting the school perspective, perfect for
8 this -- this spot.

9 And it becomes even more evident as I went
10 through and was really thinking about how people
11 were going to walk here and how people were going
12 to drive here, it occurred to me a little bit
13 more as you -- as you look at it. It really fits
14 into the puzzle perfectly.

15 MR. LOPEZ: Anything else that you think --

16 MR. PEREGOY: No. That's it.

17 MR. LOPEZ: Okay.

18 VICE CHAIRMAN GRULLON: Mr. Peregoy, I just
19 want to -- if -- I don't know if it's you or the
20 architect, but I just want to ask you to go over
21 the layout of the parking garage, and see how it
22 complies with the standard?

23 MR. PEREGOY: Sure.

24 VICE CHAIRMAN GRULLON: The size of the --
25 the size of the spaces and also the -- the

1 driveway.

2 MR. PEREGOY: Yeah. And I think, remember,
3 we touched on that a little bit the last time.
4 Those first spaces, I said people would be
5 backing into.

6 Try to not knock this over.

7 So, the parking schedule down on the
8 bottom, the architect filled in the plans --

9 MS. DILLON: Mr. Peregoy, I --

10 MR. PEREGOY: Sorry.

11 MS. DILLON: -- just kind of need you
12 there.

13 MR. PEREGOY: All right.

14 You're -- you're able to see the -- the
15 breakdown on the number of spaces. We have 23
16 spaces that are eight feet by 18 spaces. If --
17 if you were looking at the RSIS, they'd call for
18 nine by 18. But we've actually recently gotten
19 determination that the RSIS does not apply
20 dimensionally to interior garage spaces because
21 they recognize that they're typically smaller
22 spaces. It doesn't make sense. That -- that
23 nine by 18 is a surface parking lot requirement.
24 Eight by 18 is -- is more than enough for a
25 typical vehicle, residential, low turnover

1 parking.

2 There are five spaces that are eight by 16,
3 or a little bit shorter. They'd be assigned to a
4 shorter vehicle, a compact space. Technically,
5 not a compact space because 16 feet is the
6 average length of a Honda Accord or an SUV, a
7 typical vehicle. But we would -- obviously, the
8 management would assign those spaces
9 appropriately.

10 And we have the -- the tandem spaces, as
11 well, would be assigned to two bedroom units.
12 So, the same unit would have that tandem space.
13 You don't have people sharing keys or jockeying
14 cars around, or anything like that.

15 VICE CHAIRMAN GRULLON: What about the --

16 MR. PEREGOY: We do have -- and we have the
17 three visitor spaces on the outside, which I
18 think is a nice addition to this. Not only
19 visitor, the -- the pizza man can pull in there
20 to deliver a pizza. Your Uber could pick you up
21 there and not -- not block traffic, and not
22 create an issue on the road. So, I thought that
23 was a nice -- nice addition, a nice feature to be
24 able to have for this building.

25 MR. LOPEZ: And please, show in the entry

1 points and exit points that you were discussing
2 before.

3 MR. PEREGOY: Yeah.

4 Thirty-sixth Street is here to the left
5 side of the page. That's a one way up or -- you
6 know, towards the top of the page. It's a right
7 turn in only there. The exit is on 35th Street,
8 on the right side of the page, right turn out
9 towards the bottom of the page. Again, the
10 school, Bergenline Avenue, all that congestion
11 and all that activity is --

12 VICE CHAIRMAN GRULLON: What's the
13 dimension of the --

14 MR. PEREGOY: -- off the top of the page.

15 VICE CHAIRMAN GRULLON: -- of the driveway?

16 MR. LOPEZ: I'm sorry?

17 VICE CHAIRMAN GRULLON: The entrance and
18 the exit.

19 What's the dimension?

20 MR. LOPEZ: Dimensions?

21 MR. PEREGOY: Yeah. Give me a second.

22 MR. LOPEZ: Jose --

23 MR. PEREGOY: Yeah. I just -- I couldn't
24 read it. It's small. It's 20 -- the drive aisle
25 is 22 feet in width. So, plenty wide for two way

1 traffic. You typically -- you'd see 24 feet at a
2 -- a shopping center, a supermarket. So,
3 obviously, with a garage environment and the low
4 turnover, that 22 feet is more than enough.
5 That's actually quite generous. To be honest
6 with you, 20 feet is -- is enough for two way
7 traffic and for a passenger vehicle to pull into
8 a parking space. So, we have a little extra
9 width to compensate for the little less width in
10 the parking spaces.

11 MR. LOPEZ: But we only have one way
12 traffic.

13 MR. PEREGOY: And it's only one way
14 traffic.

15 MR. LOPEZ: Right.

16 MR. PEREGOY: Yeah. It's a good point.
17 It's only one way traffic, but -- but the spaces
18 are 90 degrees, so that's why you'd need the full
19 width.

20 MR. LOPEZ: Right.

21 VICE CHAIRMAN GRULLON: Now, I have some
22 comments to make in that regard, but it's not --
23 is he your last witness?

24 MR. LOPEZ: This is my last witness.

25 VICE CHAIRMAN GRULLON: Then, let me just

1 make my comments, because I also had the
2 opportunity to revise some of the layout for the
3 new school. You know and also, I revisited the
4 area. And one of my biggest concern is Kennedy
5 Boulevard. You know, traffic going out, going
6 out of the building.

7 And seeing the layout of the school, it
8 looks like they -- the proposed plan for the
9 school is for all teachers coming in through 35th
10 Street, get into the garage through that way and
11 not through 36th and exit -- exiting also to 35th
12 and going onto Kennedy Boulevard.

13 MR. PEREGOY: Right.

14 VICE CHAIRMAN GRULLON: And to me, that's
15 going to generate a really -- you know, big
16 amount of traffic, especially during the peak
17 hour in the afternoon when they exiting the
18 buildings. It will probably be maybe about, we
19 say ten, 12 trips per hour into Kennedy
20 Boulevard. And it's already congested at that
21 time.

22 MR. LOPEZ: But if we may, if I may point
23 out something that Mr. Peregoy testified to, the
24 -- the likely traffic flow into this building,
25 and Mr. Peregoy, please correct me if I'm -- in

1 the afternoon, when school is discharging, number
2 one, his testimony was it's at a -- at an earlier
3 time.

4 And number two, and most importantly, the
5 35th Street traffic going this way in the
6 afternoon, but yet people returning to the
7 building would be coming this way.

8 So, this helps to ameliorate your concern,
9 Mr. Chairman, because of the test -- the way Mr.
10 Peregoy explained it, that the heavy flow in the
11 afternoon will actually be over here and the
12 traffic leaving from the school will actually be
13 on the other street.

14 So, we believe this addresses that issue.

15 MR. PEREGOY: And -- and I did route that
16 -- that teacher traffic to come out on 35th
17 Street. I actually had them going in on 36th. I
18 wasn't sure. I figured they would probably close
19 36th Street for the pickup/drop off, but just to
20 look at the worst case possible, I had all the
21 cars going in on 36th in the morning, coming out
22 on 35th.

23 VICE CHAIRMAN GRULLON: And that's not the
24 -- that's not the proposed plan by the school.
25 They have alternative routes just to get into the

1 garage, going through 35th, as well.

2 My -- my concern is that -- you know,
3 traffic going into Kennedy Boulevard. And I have
4 a suggestion to make if you --

5 MR. LOPEZ: Absolutely.

6 VICE CHAIRMAN GRULLON: I know -- I
7 appreciate you address all the issues with the --
8 with the residents. And you're providing
9 lighting, you're providing trees, providing
10 enough parking at the building, it's up to Code
11 with safety.

12 But I would like to -- I would like for you
13 to ask your client to see if you -- if any way
14 you can close the exit to 35th and just convert
15 the parking garage as a two way -- you know, in
16 and out, go in through 36 and then go out through
17 36th into Bergenline. I just don't want to add
18 additional traffic to --

19 MR. IZQUIERDO: Not a problem.

20 VICE CHAIRMAN GRULLON: -- 35th Street.

21 MR. LOPEZ: It's -- it's not a problem.

22 VICE CHAIRMAN GRULLON: Yes.

23 MR. LOPEZ: It was designed this way based
24 upon what we thought the --

25 VICE CHAIRMAN GRULLON: Yes.

1 MR. LOPEZ: -- needs are. But we'd
2 certainly be --

3 VICE CHAIRMAN GRULLON: Yes, not sure.

4 MR. LOPEZ: That's not a problem. As -- as
5 Mr. Peregoy testified, the width of our drive
6 area is more than enough to accommodate two way
7 traffic. So, yes, we can -- it can be redesigned
8 to come in and exit on --

9 VICE CHAIRMAN GRULLON: Sure.

10 MR. LOPEZ: -- 36th Street.

11 VICE CHAIRMAN GRULLON: And the front of
12 the building is on 36.

13 MR. LOPEZ: It is. Correct.

14 VICE CHAIRMAN GRULLON: Okay.

15 I think since -- unless any other member of
16 the Board has any other concern or any question?

17 MR. MEDINA: I have a question.

18 MR. LOPEZ: If -- if I may?

19 MR. MEDINA: Go ahead.

20 MR. LOPEZ: Please?

21 MR. MEDINA: Go ahead.

22 MR. LOPEZ: Mr. Paneque, I was going to ask
23 this towards the end, but any member that's here
24 today, we would ask for a representation that
25 they were able to read the transcript from the

1 last meeting.

2 MR. PANEQUE: Yes, Mr. Lopez.

3 MR. LOPEZ: So, if -- if we could just make
4 that part of the record, because I think --

5 MR. MEDINA: No.

6 MR. LOPEZ: -- you weren't here last time.

7 MR. MEDINA: And I wasn't --

8 (indiscernible) -- because I wasn't.

9 MR. LOPEZ: Okay.

10 MR. MEDINA: So, I stand back.

11 MR. LOPEZ: No. You're welcome -- you're
12 welcome to ask --

13 MR. MEDINA: No.

14 MR. LOPEZ: Absolutely.

15 MR. MEDINA: I wasn't in --

16 THE SECRETARY: (Indiscernible).

17 MR. PANEQUE: No? Okay.

18 I was just advised by Mr. Vallejo that
19 members who were not here at the last meeting
20 have not read the transcript.

21 MR. LOPEZ: I'm trying to do a count now.

22 Do we --

23 THE SECRETARY: We have five member was
24 present right now at the previous meeting.

25 That's Mr. Grullon, that's Ms. Gutierrez,

1 Mr. Pressey.

2 MR. LOPEZ: We have --

3 THE SECRETARY: Ms. Perez is absent, Mr.
4 Cetinich was here and Ms. Watley was here; that
5 mean you have five members present.

6 MR. LOPEZ: All right.

7 So, I would have no objection to the
8 members that were not here asking the questions.
9 They simply cannot vote as part of the -- they
10 would not be able to vote on the resolution, but
11 we'd certainly welcome any questions or comments
12 that they would have.

13 So, please?

14 MR. MEDINA: All right.

15 VICE CHAIRMAN GRULLON: Mr. Medina, did you
16 have any question or comment?

17 MR. MEDINA: No, okay.

18 The question is, this building on the
19 address is 448, is before -- was -- is the top
20 right there in the corner.

21 Right; 35th? Thirty-fifth and --

22 MR. LOPEZ: Thirty-fifth and Central?

23 MR. MEDINA: Yeah. Central. Sorry.
24 Central.

25 MR. LOPEZ: Okay.

1 MR. MEDINA: It's before or after? The
2 street coming from Kennedy Boulevard?

3 MR. LOPEZ: It's between Central --

4 MR. IZQUIERDO: And Kennedy.

5 MR. LOPEZ: -- and Kennedy.

6 MR. MEDINA: And Kennedy?

7 MR. LOPEZ: Yes.

8 MR. IZQUIERDO: It's right across the
9 school.

10 MR. MEDINA: So meaning that the traffic
11 lights in there, it's going to stop, in other
12 words, for you guys.

13 MR. LOPEZ: Correct.

14 Any traffic coming on 35th Street, if we
15 were to exit, if -- with the original plans.

16 MR. MEDINA: Exit.

17 MR. LOPEZ: Now, with what Mr. Grullon --

18 MR. MEDINA: As -- as an exit, not to
19 enter.

20 MR. LOPEZ: Correct.

21 If that --

22 MR. MEDINA: I mean, like -- I mean, like a
23 exit only way. But like Mr. Grullon say, is
24 better one in, one out; 36 out, and --

25 MR. IZQUIERDO: Thirty-six would be the

1 only entrance and --

2 MR. LOPEZ: What --

3 MR. IZQUIERDO: -- exit of the building.

4 MR. PEREGOY: Right.

5 MR. MEDINA: But would that stay that two
6 exit. I mean, just to be one.

7 MR. LOPEZ: Right. Well, Mr. -- what I
8 understand Mr. Grullon to be suggesting is that
9 --

10 MR. MEDINA: Um hum.

11 MR. LOPEZ: -- we eliminate 35th Street as
12 an entrance --

13 MR. IZQUIERDO: Entirely.

14 MR. LOPEZ: -- completely and use 36 as
15 both entry and exit.

16 MR. MEDINA: Well, that's -- yeah, that's
17 great idea; that's what I'm talking about.

18 MR. LOPEZ: Okay.

19 MR. MEDINA: That's what I'm talking about.

20 MR. IZQUIERDO: Which is not a problem.

21 MR. MEDINA: That's --

22 MR. LOPEZ: Yeah, no. That's --

23 MS. DILLON: One at a time please.

24 MR. IZQUIERDO: And we can -- we can
25 replace the door with a -- with a nice -- you

1 know, grill work or something to allow
2 ventilation in the building. It's not going to
3 be a blank window. But then, we're going to have
4 all landscaping there; then we'll have two feet
5 of landscaping throughout. Not a problem if you
6 prefer that.

7 MR. LOPEZ: Yeah.

8 VICE CHAIRMAN GRULLON: Mr. Izquierdo, I
9 mean --

10 MR. PANEQUE: I'm sorry.

11 Does that also provide for additional
12 off-street parking space?

13 MR. IZQUIERDO: Yes.

14 VICE CHAIRMAN GRULLON: Yes, that's what I
15 was going to say.

16 MR. IZQUIERDO: Oh, yeah. There -- yeah,
17 yeah.

18 MR. LOPEZ: Two.

19 VICE CHAIRMAN GRULLON: In addition, he
20 will be giving back an additional --

21 MR. IZQUIERDO: There's a fire hydrant --

22 VICE CHAIRMAN GRULLON: -- two parking
23 space.

24 MR. IZQUIERDO: -- in front of our
25 building.

1 VICE CHAIRMAN GRULLON: Yeah.

2 MR. LOPEZ: So, yeah. That's true also.

3 VICE CHAIRMAN GRULLON: Yes.

4 MR. IZQUIERDO: So, yeah.

5 MR. LOPEZ: Okay.

6 MR. IZQUIERDO: You gain a parking space on
7 the street. Yeah.

8 MR. LOPEZ: We will do that. That's not a
9 problem.

10 VICE CHAIRMAN GRULLON: Any other member of
11 the Board?

12 At this time, I'm going to open this to --
13 to the public.

14 Any member of the public want to step
15 forward?

16 No one from the public.

17 With -- with the recommendations of the
18 request of closing the exit on 35th Street, and as
19 Mr. Izquierdo stated, he will provide the
20 mirrors, the strobe lights by the -- by entrance
21 -- entrance and exit of the -- to the parking
22 garage on 36th Street, and lighting around the
23 building and trees, I make a motion to grant this
24 application, --

25 MR. IZQUIERDO: Thank you.

1 MR. LOPEZ: Thank you, Mr. Grullon.

2 VICE CHAIRMAN GRULLON: -- with the
3 conditions.

4 THE SECRETARY: Motion on the table to
5 grant this application with the revised plans --

6 MS. GUTIERREZ: Second.

7 VICE CHAIRMAN GRULLON: Yes.

8 THE SECRETARY: -- by Mr. Grullon.

9 MR. MEDINA: Second.

10 THE SECRETARY: Seconded by?

11 MR. MEDINA: Not me, second.

12 THE SECRETARY: Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Grullon?

15 VICE CHAIRMAN GRULLON: Yes.

16 THE SECRETARY: Ms. Gutierrez?

17 MS. GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Pressey?

19 MR. PRESSEY: Yes.

20 THE SECRETARY: Mr. Cetinich?

21 MR. CETINICH: Yes.

22 THE SECRETARY: Ms. Watley?

23 MS. WATLEY: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

1 MR. IZQUIERDO: Thank you so much.

2 MR. LOPEZ: Thank you so much.

3 VICE CHAIRMAN GRULLON: Thank you, Mr.
4 Lopez.

5 MR. IZQUIERDO: And happy Thanksgiving.

6 MR. LOPEZ: Thank you.

7 We will submit revised plans --

8 THE SECRETARY: At least ten days before
9 the hearing.

10 MR. LOPEZ: You want us to --

11 THE SECRETARY: At least ten days before
12 the next hearing date.

13 VICE CHAIRMAN GRULLON: Yes.

14 MR. LOPEZ: Okay.

15 VICE CHAIRMAN GRULLON: For the parking
16 layout.

17 MR. LOPEZ: With the parking layout.

18 VICE CHAIRMAN GRULLON: Yes.

19 MR. LOPEZ: Okay.

20 VICE CHAIRMAN GRULLON: Yes. Just that
21 page.

22 MR. LOPEZ: Very good. Very good.

23 Thank you.

24 VICE CHAIRMAN GRULLON: Thank you.

25 MR. LOPEZ: Have a good night.

1 MS. GUTIERREZ: Good night.

2 VICE CHAIRMAN GRULLON: Thank you, Mr.
3 Peregoy.

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

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1 928-930 19th Street, LLC -

2 928-930 19th Street:

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4 THE SECRETARY: Next application on
5 tonight's agenda, 928-930 19th Street.

6 Mr. Arturi, please?

7 MR. ARTURI: Yes.

8 Good evening, Mr. Chairman, --

9 VICE CHAIRMAN GRULLON: Good evening.

10 MR. ARTURI: -- members of the Board.

11 I'm Anthony Arturi. I'm the attorney for
12 the applicant, 928-930 19th Street.

13 I believe that my affidavit of publication
14 and my -- my proof of service had been submitted
15 at the last meeting. I have originals for the
16 Board Attorney, if you need that.

17 MR. PANEQUE: Did you -- did we establish
18 jurisdiction at the last meeting?

19 MR. ARTURI: I -- I thought we did. I was
20 unavailable.

21 MR. PANEQUE: Yeah.

22 MR. ARTURI: Because I don't think I would
23 have qualified to come in the building, based on
24 --

25 MR. PANEQUE: Okay.

1 MR. ARTURI: -- sickness in my family, but
2 the proofs had been submitted to the Board
3 Secretary as of the October meeting.

4 MR. PANEQUE: And you have the originals
5 tonight?

6 MR. ARTURI: I do.

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

9 MR. PANEQUE: Let the record reflect the
10 following:

11 I've been provided by Mr. Arturi with the
12 certified mail receipts, with a postmark date of
13 September 17, 2010 (sic).

14 I've also been provided with an affidavit
15 of service, signed by Mr. Arturi, indicating that
16 notice of the hearing was sent to all property
17 owners within the 200 foot radius of the property
18 at 920-930 (sic) 19th Street.

19 I've also been provided with a copy of the
20 tax list from the Union City Tax Assessor's
21 Office, with a date of September 16, 2020,
22 listing all property owners within the 200 foot
23 radius of the property at 928-930 19th Street.

24 I've also been provided with a copy of The
25 Jersey Journal publication. Said publication

1 appeared on September 24th giving notice of the
2 hearing, which took place on October 8th at six
3 p.m. at this location, Union City High School,
4 with respect to the property, 928-930 19th Street.

5 I do recall that at that hearing, this
6 matter was carried till the meeting for tonight.
7 And therefore, this Board continues to have
8 jurisdiction to hear this matter.

9 Thank you, Mr. Arturi.

10 MR. ARTURI: Thank you, sir.

11 VICE CHAIRMAN GRULLON: You may proceed,
12 Mr. Arturi.

13 MR. ARTURI: Mr. Chairman, the application
14 here is to expand an existing 16 unit residential
15 building by adding one unit, which actually had
16 already existed in the lower level, and to add an
17 administrative space for a building manager's
18 office for the owner, which would not be for
19 rent.

20 We need bulk variances for front yard and
21 side yard, which would not be revised any further
22 than the existing nonconforming.

23 We need a use variance because the zone
24 allows only four units and we have 16. The
25 building is very unique to the neighborhood, as

1 the only larger building.

2 The owner is here, if anybody has any
3 questions, and I have two witnesses. I have an
4 architect, Jose Carballo, and I have a planner,
5 John McDonough.

6 So, I'll start with my architect, if it
7 pleases you?

8 VICE CHAIRMAN GRULLON: Yes, please. Um
9 hum.

10 MR. ARTURI: Thank you.

11 MS. DILLON: Please raise your right hand.

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

14 MR. CARBALLO: Yes, I do.

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

17 MR. CARBALLO: Sure.

18 Jose Carballo, C-A-R-B as in boy A-L-L-O.

19 MS. DILLON: Thank you.

20 MR. CARBALLO: You're welcome.

21 MR. ARTURI: Might I request that Mr.
22 Carballo be qualified as an expert? I know he's
23 been here --

24 VICE CHAIRMAN GRULLON: Yes. He's been --

25 MR. ARTURI: -- many, many times.

1 VICE CHAIRMAN GRULLON: -- in front of the
2 Board on many occasions.

3 MR. CARBALLO: Thank you.

4 VICE CHAIRMAN GRULLON: Thank you, Mr.
5 Carballo.

6 MR. ARTURI: Thank you.

7 So Mr. Carballo, could take the -- the
8 Board through the application and what's required
9 and what is the zoning data and what is proposed?

10 MR. CARBALLO: Absolutely.

11 First and foremost, I hope everybody's
12 healthy and safe, as well as family members, with
13 what's going on today.

14 Property is at 928-30 19th Street. It is a
15 four story building. And if you look at the
16 drawings, there's a photo of the front of the
17 building.

18 What we're doing here today is we want to
19 build a -- another unit in the basement, as well
20 as an administrative office for my client.

21 There is already another unit in the
22 basement. So, the basement is high enough to
23 contain the unit. It's eight feet tall, so it
24 provides good head room.

25 Let me just state for the record that we're

1 not contemplating any expansion, extension or any
2 exterior work to this building at all. The
3 building will remain as is.

4 The unit that we want to legal -- legalize,
5 or the unit we want to build is actually an
6 existing one bedroom unit that we want to extend
7 to a three bedroom unit. That unit is not being
8 rented. It hasn't been used. My client uses it
9 only for storage. So, it has never been used as
10 long as my client has -- has owned the building.

11 If -- if you look at the -- at the plan,
12 the building actually has setbacks on both sides,
13 which allows for fire exit. And this is a
14 compliant exit out to a right-of-way, which is
15 what's necessary.

16 The -- the unit is extremely safe. It,
17 aside from having the eight foot tall ceilings,
18 it will be fully sprinklered.

19 And if you look at the plan, you're also
20 going to see that the unit has two doors, it has
21 two means of egress. So, we really don't need to
22 expand the windows for egress. We can actually
23 egress through two doors. And with the setbacks
24 of the building, those two doors will lead to a
25 rear patio, which then, in turn, leads out to a

1 right-of-way.

2 It is a three bedroom apartment. And
3 you'll also note is that it has 1,026 square
4 feet. So, it's ample. It will allow a family to
5 -- you know, stay there and -- and go into the
6 apartment.

7 The manager's office is just for my client.
8 My client owns approximately 200 units in -- in
9 Hudson County and he spends most of the day in
10 Hudson County. He lives outside of the area.
11 And the manager's office contains a full bathroom
12 with a shower and a kitchenette.

13 The reason for the shower is my client is
14 always going around and sometimes has meetings
15 late in the -- in the evening, and he needs to
16 refresh himself. You know, a 90 degree day --
17 you know, he sweats a lot so -- you know, he just
18 refreshes in there.

19 This is not for public rental. It will not
20 be converted into another unit.

21 Excuse me.

22 This is just a manager's office.

23 Aside from that, again, all the work that's
24 being done will be inside. It will be in the
25 basement. No work will be conducted to the -- or

1 it's proposed to the outside of the building.

2 MR. ARTURI: Mr. Carballo, do any of the --
3 the front or side yard setbacks get further
4 invaded by this project?

5 MR. CARBALLO: No, not at all. Again, the
6 -- the project is fully contained within the
7 building.

8 MR. ARTURI: I don't have any further
9 questions, if the Board does?

10 VICE CHAIRMAN GRULLON: Did you say you
11 have another witness?

12 MR. ARTURI: I do. I have a planner
13 witness.

14 VICE CHAIRMAN GRULLON: Do you want to
15 bring your planner, then --

16 MR. ARTURI: Sure.

17 VICE CHAIRMAN GRULLON: -- we leave the
18 question for last.

19 Thank you, Mr. Carballo.

20 MR. CARBALLO: Thank you, Mr. Grullon.

21 MR. ARTURI: I have John McDonough.

22 MS. DILLON: You mess me up when you raise
23 your hand first.

24 MR. McDONOUGH: It's down.

25 MS. DILLON: Please raise your right hand.

1 Do you affirm the testimony you're about to
2 give --

3 MR. McDONOUGH: Now my glasses are foggy.

4 MS. DILLON: -- this Board is the whole
5 truth?

6 MR. McDONOUGH: Yes, I do.

7 MS. DILLON: Thank you.

8 MR. ARTURI: Mr. Chairman, I believe Mr. --

9 MS. DILLON: Please state your name.

10 MR. ARTURI: State your name.

11 MR. McDONOUGH: Hi, everyone.

12 My name is John McDonough, M-C-D-O-N-O-U-G-
13 H.

14 VICE CHAIRMAN GRULLON: Yes, he's been in
15 front of this Board many occasion and I accept
16 your qualification.

17 Thank you, Mr. McDonough.

18 Welcome back.

19 MR. McDONOUGH: Thank you, Mr. Chairman.

20 MR. ARTURI: Thank you.

21 Mr. McDonough, did you make an analysis of
22 the proposed project in conjunction with Mr.
23 Carballo?

24 MR. McDONOUGH: Yes, we did.

25 MR. ARTURI: Okay.

1 Can you explain what you looked at?

2 MR. McDONOUGH: Sure.

3 We've been to the subject site. We've
4 examined the surrounding area. We've looked at
5 your Zoning Ordinance, your Master Plan,
6 surrounding land use context, and the relief that
7 the applicant is seeking.

8 MR. ARTURI: Okay.

9 Did you form any opinion as to the
10 propriety of granting the application and those
11 variances would have beneficial effect?

12 MR. McDONOUGH: Yes. This is a site that's
13 in your R, low density zone. The applicant is
14 proposing to expand or continue an existing
15 multi-family use, which requires a use variance.

16 We've run this before the four parts of the
17 use variance test, under the Medici case, and we
18 find that all four parts of the test passed.

19 Number one, on the positive side, with
20 respect to the purposes of zoning under the Land
21 Use Law, this is going to advance planning goal
22 for efficient land use. This is essentially an
23 adaptive reuse of an existing space. As you just
24 heard through Jose's testimony, the space is
25 there and easily adapts to accommodate the use

1 | that's before you.

2 | It's going to provide for more conducive
3 | living and working environment. Our applicant
4 | could easily just put a desk and a chair
5 | downstairs right now. This is going to provide
6 | for a nice comfortable space.

7 | So, in that regard, that certainly advances
8 | the efficient land use purpose under the -- under
9 | the law.

10 | Also, this is dead space right now. It is
11 | existing space there down in the basement. And
12 | as you heard, there's not going to be any
13 | expansion or anything along those lines.

14 | Additionally, this is going to advance the
15 | purpose of zoning for a variety of land uses in
16 | appropriate locations. This is catering to the
17 | planning goal for a variety of housing types and
18 | a variety of income levels, as well. So, there's
19 | a certain economy of scale that can be realized
20 | here with the efficiency of land use, that
21 | becomes efficient in terms of construction, as
22 | well, which always gets transferred over to the
23 | consumer or to the resident. So, this goes,
24 | again, for a more economical living option for
25 | the person who will reside there.

1 This is also going to provide for the
2 planning goal for new housing stock. This is
3 going to be a new apartment. It is going to
4 improve, as I just said, the living and working
5 environment.

6 And on the negative side, we always look at
7 potential impacts. From a planning standpoint,
8 we find here that none of the impacts are going
9 to be substantially adverse to the public or to
10 the zone.

11 Visually, what you see now is what you get.
12 Functionally, this is going to meet, as you just
13 heard, Building Code, Fire Code, all applicable
14 codes are going to be met here. This is going to
15 be a comfortable living space. It is not an
16 undersized unit by any stretch. And again, meets
17 all Building Code requirements.

18 In terms of parking, we know this is a
19 walkable area. It's one unit or one lot away
20 from Kennedy Boulevard, which is an amenitized
21 area, in terms of retail and services, and -- and
22 mass transit and the like. That mitigates the
23 impact of -- of the associated parking relief.

24 And then, finally, with respect to the
25 impact on the zone plan, we can clearly find that

1 | this is relief that relates to a distinct piece
2 | of property, not the entire zone. There are 22
3 | lots on this particular street; 21 of them are
4 | detached dwelling units. Here, we have the one
5 | multi-family building on the street. So, it's
6 | clearly relating to a distinct piece of property,
7 | not the entire zone. You put an extra unit in
8 | one of those detached dwellings, and that clearly
9 | opens the flood gates on the other units on the
10 | street. But here, this is different.

11 | The increase in one unit in a two family
12 | would be an increase of 33 percent. The increase
13 | of one unit in a 16 unit building is an increase
14 | of only 16 percent -- six percent, rather. So,
15 | clearly, less of an increase when we're dealing
16 | with the larger building.

17 | So, again, whenever we're dealing with a
18 | variance application, we look at a distinct piece
19 | of property. It's clearly the case here. And
20 | for all of the reasons that I've just given, the
21 | Board clearly has enough credible evidence to
22 | move favorably on this application.

23 | MR. ARTURI: Thank you, sir.

24 | Would, in your opinion -- your professional
25 | opinion, granting this application have any

1 | noticeable effect on any adjacent properties in
2 | the -- in the neighborhood?

3 | MR. McDONOUGH: No. Again, these are only
4 | interior modifications, no exterior modifications
5 | or expansions.

6 | MR. ARTURI: Would this application, if
7 | granted, change the character of the neighborhood
8 | in any way, in your professional opinion?

9 | MR. McDONOUGH: No. Again, the look, the
10 | feel, and the overall intensity of use will be
11 | consistent with that which is there now.

12 | MR. ARTURI: I think you already gave your
13 | opinion on the suitability of this particular
14 | property.

15 | Correct?

16 | MR. McDONOUGH: Yes.

17 | So, this particular site is particularly
18 | suitable for the use that's before you, by virtue
19 | of the fact that this is an easy fit up of that
20 | which is there. It's going to go in the
21 | basement. It's not going to require substantial
22 | alteration of anything on the other parts of the
23 | building. And again, requires no physical
24 | expansion.

25 | MR. ARTURI: Okay.

1 Thank you.

2 And all the opinions that you've given are
3 your professional opinions, with a reasonable
4 degree of certainty tonight?

5 MR. McDONOUGH: Yes.

6 MR. ARTURI: Thank you.

7 I don't have any other questions, if
8 anybody on the Board does.

9 VICE CHAIRMAN GRULLON: I have a question,
10 Mr. -- Mr. McDonough.

11 Could you go over the -- the variances?

12 MR. McDONOUGH: Sure.

13 VICE CHAIRMAN GRULLON: Yeah, the table of
14 variances.

15 MR. McDONOUGH: Sure. Let me just grab Mr.
16 Spatz's report.

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

19 MR. McDONOUGH: So -- so, Mr. Spatz has
20 issued a report dated September 4th, which gives
21 the Board a good rundown of the relief that the
22 applicant is seeking.

23 Again, the very first relief that the
24 applicant is seeking under number one, is a use
25 variance, to allow a multi-family use of 17 units

1 in a residential, an R zone.

2 I've just given you and outweighed all the
3 reasons why the statutory test is met.

4 The rest of the variances, and I can
5 certainly go through them, one by one; these are
6 all existing conditions that are not being
7 worsened by the application that's before you.

8 Number -- number two, minimum lot area of
9 2500 square feet is required. This is actually a
10 conformance. And also, it indicates that the
11 subject lot is more than double or twice as large
12 as the zoning requirement. So, we are dealing
13 with a lot that does have nice, I'll say, spatial
14 proportions to accommodate the use that's before
15 you.

16 Again, we're going to jump down past three
17 and four, because they are dimensional aspects
18 that the application actually conforms with.

19 Number five is a minimum front yard setback
20 of ten feet or prevailing. The existing
21 structure is 5.2 feet, which does not conform.

22 Again, this is a preexisting condition, so
23 the building is not moving any closer to the
24 street than that what presently exists.

25 The rear yard complies.

1 The side yards do not comply, and I'm on
2 number seven right now. Two feet and five feet
3 are required in -- in combination. And
4 respectively, 4.3 feet and zero feet are
5 proposed, which does not conform. Again, an
6 existing condition, not being worsened by the
7 application.

8 Number eight.

9 The overall lot coverage complies; 67
10 percent versus 85 percent.

11 The overall impervious coverage also does
12 comply.

13 Number eight was actually building
14 coverage. Number nine is lot coverage, which
15 conforms with the hundred percent requirement.

16 And then finally, number ten, the maximum
17 building height of four stories conforms, as
18 well, with the Ordinance requirement.

19 And then, lastly, as I said, with respect
20 to the parking. The Zoning Ordinance requires
21 the provision of 2.4 spaces for each three
22 bedroom units. And again, we don't know what the
23 other -- the existing bedroom mix is, and -- but
24 again, that's an existing condition.

25 And then no parking is provided onsite,

1 which is a nonconforming condition.

2 Four hundred and eighty square feet for the
3 manager's office, which is a relatively small
4 manager's office. It's the equivalent of, I'll
5 say, two parking -- parking spaces, maybe two and
6 a half parking spaces, would also require the
7 equivalent of two parking spaces.

8 So, that -- that's the rundown of -- of the
9 nature of the relief being sought here.

10 MR. ARTURI: Did you make any analysis,
11 sir, of the proximity of this unit to -- this
12 building to public transportation that would
13 ameliorate any issues with parking?

14 MR. McDONOUGH: Sure.

15 It's right there on Kennedy Boulevard. So,
16 it's just one lot away from the subject site.

17 VICE CHAIRMAN GRULLON: Mr. -- Mr. --

18 MR. ARTURI: Thank you.

19 Any other questions?

20 VICE CHAIRMAN GRULLON: -- McDonough?

21 In your opinion, by adding one unit to this
22 building, would that make that -- the -- you
23 know, the -- the density of the building higher?

24 MR. McDONOUGH: The density of the building
25 does increase by six percent, which again, in my

1 view, is a modest increase in density, as opposed
2 to putting another unit in, I'll say -- let's say
3 those are two family dwellings up and down that
4 street, that would be an increase of 33 percent.

5 So, the delta for this particular building
6 is not as large as if it were in a smaller
7 building.

8 VICE CHAIRMAN GRULLON: Thank you, Mr.
9 McDonough.

10 MR. ARTURI: Mr. Chairman, there are
11 pictures attached to our application, which can
12 illustrate for the members of the Board how
13 different this building is versus the -- the
14 other, in terms of size.

15 I would point the Board to the second page,
16 which -- which can definitely demonstrate this is
17 a four story building, whereas the other ones are
18 largely two story, smaller buildings.

19 VICE CHAIRMAN GRULLON: Mr. Arturi, are you
20 referring to the picture in front of the --

21 MR. ARTURI: No. That's a picture on the
22 -- on the plan. There were pictures attached to
23 the actual application, I think, that we had
24 submitted, which the Board had any questions --

25 MR. PANEQUE: We don't have that.

1 VICE CHAIRMAN GRULLON: No. We don't -- we
2 don't have that.

3 MR. PANEQUE: Mr. Vallejo?

4 THE SECRETARY: Yes, sir.

5 MR. PANEQUE: Are there copies of the
6 application?

7 THE SECRETARY: Copies of the application?
8 Of course.

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

11 MR. McDONOUGH: And Mr. Chairman, if I may,
12 while that's being readied, if the Board were to
13 picture the street, again, there are 22 lots on
14 this street; 21, I'll say, little houses are on
15 the street, and then one big building. And
16 that's what the --

17 VICE CHAIRMAN GRULLON: And --

18 MR. McDONOUGH: -- subject building is.

19 VICE CHAIRMAN GRULLON: And the condition
20 of this, they're all preexisting.

21 No?

22 MR. McDONOUGH: It's preexisting. That's
23 correct.

24 It is -- this is a hundred year old
25 building. It's -- it is different than the other

1 buildings on the street.

2 VICE CHAIRMAN GRULLON: The record that you
3 provided stated that it's from 1987, I believe.

4 MR. McDONOUGH: 1987 -- if I looked at a
5 tax card, it said it was constructed in 1918.

6 VICE CHAIRMAN GRULLON: Thank you, Mr.
7 McDonough.

8 MR. McDONOUGH: Thank you.

9 VICE CHAIRMAN GRULLON: Mr. Carballo, I
10 have a question for you.

11 MR. CARBALLO: Sure.

12 VICE CHAIRMAN GRULLON: On the -- on the
13 office space for the -- the -- for the office
14 space, you have something say the new
15 kitchenette.

16 MR. CARBALLO: It's a kitchen. Basically,
17 what it is is it's just a sink and a -- and an
18 under counter refrigerator. There are -- there
19 are no cooking facilities or no food preparation
20 at all.

21 MR. ARTURI: And we would certainly
22 stipulate to a condition in any approval that it
23 not be rented and not ever be occupied as a
24 dwelling.

25 VICE CHAIRMAN GRULLON: Okay.

1 I just want to make sure that it stays as
2 an office.

3 MR. CARBALLO: Yes.

4 VICE CHAIRMAN GRULLON: Maybe you can
5 remove that word from the plans, the kitchenette.

6 MR. CARBALLO: Can we remove the
7 kitchenette?

8 VICE CHAIRMAN GRULLON: Yes. Um hum.
9 Do you have any other witness?

10 MR. ARTURI: No, sir.

11 MR. CARBALLO: Yeah, can we remove the
12 kitchenette?

13 A VOICE: What?

14 MR. McDONOUGH: Can we remove the
15 kitchenette?

16 A VOICE: If they want it, we'll remove it.

17 MR. CARBALLO: Yes, he said yes.

18 MR. ARTURI: Yes.

19 A VOICE: I'd rather not --

20 VICE CHAIRMAN GRULLON: I don't have any
21 additional question.

22 Any member of the Board has any question?

23 A VOICE: I'd rather not remove it.

24 MR. PRESSEY: There's -- there's no
25 parking.

1 Correct?

2 And they're not looking for parking.

3 Correct?

4 MR. ARTURI: There's -- there's no parking
5 available as the building exists and we're not
6 going to be able to add any.

7 MR. PRESSEY: Okay, and you're not seeking
8 any.

9 VICE CHAIRMAN GRULLON: Are these picture
10 part of the package?

11 MR. PRESSEY: Okay.

12 MR. PANEQUE: Yeah. They're part of the
13 application.

14 MR. ARTURI: The lot coverage is a -- I
15 think the lot coverage is almost a hundred
16 percent here. So, and again, if you look at even
17 just the picture on Mr. Carballo's plan, the
18 building goes right to the lot line on the right
19 side to the building next to it. And there's
20 only a four foot alleyway on the left side so --

21 VICE CHAIRMAN GRULLON: Mr. Arturi, we got
22 the pictures here.

23 MR. ARTURI: Oh, okay.

24 VICE CHAIRMAN GRULLON: They're in here.
25 Thank you for submitting the pictures.

1 I don't have any other question at this
2 time.

3 You don't have any other witness. I want
4 to open to the public.

5 Any members of the public wants to step
6 forward?

7 No one from the public.

8 With this -- taking in consideration that
9 they just using a space that is not being
10 utilized now and making living space to provide
11 residents with living -- living space, I make a
12 motion to grant this application.

13 THE SECRETARY: Motion to grant the
14 application by Mr. Grullon.

15 MS. GUTIERREZ: Seconding.

16 THE SECRETARY: Seconded by Ms. Gutierrez.

17 MR. PANEQUE: Just as a point of
18 clarification, Mr. Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 MR. PANEQUE: You had asked about the
21 kitchenette.

22 VICE CHAIRMAN GRULLON: The kitchenette.
23 Yes. To --

24 MR. PANEQUE: Is that part of your --

25 VICE CHAIRMAN GRULLON: A request -- I

1 would like to show plans as removing the word of
2 kitchenette on the office space.

3 MR. CARBALLO: All right. I will resubmit.

4 VICE CHAIRMAN GRULLON: Thank you.

5 MR. CARBALLO: Thank you.

6 THE SECRETARY: All right.

7 Motion on the table to apply -- to approve
8 this application by Mr. Grullon.

9 Seconded by Ms. Gutierrez, with a
10 condition.

11 Right?

12 VICE CHAIRMAN GRULLON: Yes, with a
13 condition to remove the word kitchenette from the
14 office space.

15 THE SECRETARY: And they require revised
16 plans?

17 VICE CHAIRMAN GRULLON: Yes.

18 MR. SPATZ: Yes.

19 THE SECRETARY: Thank you.

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

22 Mr. Grullon?

23 VICE CHAIRMAN GRULLON: Yes.

24 THE SECRETARY: Ms. Gutierrez?

25 MS. GUTIERREZ: Yes, with the condition.

1 THE SECRETARY: Mr. Pressey?
2 MR. PRESSEY: Yes.
3 THE SECRETARY: Mr. Medina?
4 MR. MEDINA: Yes.
5 THE SECRETARY: Mr. Ortiz?
6 MR. ORTIZ: Yes.
7 THE SECRETARY: Ms. Pena?
8 MS. PENA: Yes.
9 THE SECRETARY: Mr. Cetinich?
10 MR. CETINICH: Yes.
11 THE SECRETARY: Seven in favor.
12 Motion carries.
13 MR. CARBALLO: Thank you.
14 Good evening.
15 MR. ARTURI: Thank you.
16 MR. CARBALLO: Stay healthy.
17 VICE CHAIRMAN GRULLON: Thank you.
18 THE SECRETARY: Thank you.
19 MR. ARTURI: Thank you, everyone.
20 VICE CHAIRMAN GRULLON: Thank you.
21 MR. ARTURI: We'll submit those plans ten
22 days before the next?
23 MR. PANEQUE: Yes, sir.
24 MR. ARTURI: When is the next meeting?
25 MR. PANEQUE: I'll have the Resolution

1 ready for the next meeting.

2 MR. ARTURI: Is the next meeting --

3 THE SECRETARY: Yes. Yes.

4 MR. ARTURI: Is there going to be a
5 December meeting?

6 MR. PANEQUE: There is. December --

7 MR. ARTURI: There is?

8 THE SECRETARY: December --

9 MR. SPATZ: Tenth.

10 MR. PANEQUE: Second Thursday in December.

11 VICE CHAIRMAN GRULLON: December 10th.

12 MR. ARTURI: Okay.

13 THE SECRETARY: Five set are good.

14 MR. ARTURI: Okay. All right.

15 Thank you.

16 A VOICE: Thank you.

17 THE SECRETARY: You're welcome.

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

20 * * *

21

22

23

24

25

1 **Shefa Realty Corporation -**

2 **542 38th Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, Shefa Realty Corporation, 542
6 38th Street.

7 Mr. Mayerovic, please?

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

10 MR. PANEQUE: Let the record reflect the
11 following:

12 I've been provided by Mr. Mayerovic with
13 the following documentation:

14 I have certified mail receipts with a
15 postmark date of October 29th, 2020.

16 I also have a copy of the affidavit of
17 publication, the article in the paper which came
18 out on October 30th of 2020, indicating that
19 notice of tonight's hearing at this location,
20 Union City High School, was placed regarding the
21 property at 542 38th Street.

22 I also have a certification of mailing from
23 Mr. Mayerovic indicating that notices with
24 respect to tonight's hearing was sent to all
25 members within the -- all owners within the 200

1 foot radius of the property in question.

2 I also have the tax list from the Union
3 City Tax Assessor's Office, with a date of
4 September 11, 2020.

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

8 Thank you, Mr. Mayerovic.

9 MR. MAYEROVIC: Again, ladies and
10 gentlemen, my name is Robert Mayerovic, and I
11 represent the applicant, Shefa Realty.

12 Before you is our application to convert or
13 to have and add a basement apartment, which is
14 the seventh apartment. The building -- it
15 contains three stories, two apartments on each
16 level, a total of six, and a basement apartment.

17 I had here, and I just want to start off
18 that this building, at 542 38th Street, going --

19 MS. DILLON: Mr. Mayerovic, you have to
20 stand --

21 MR. MAYEROVIC: I'm sorry.

22 MS. DILLON: -- in front of a microphone.

23 MR. MAYEROVIC: I'm sorry.

24 This building, at 542 38th Street, was
25 always an eight unit building. There were two

1 basement apartments. And then, on the three
2 floors, each two, two, two.

3 So, the first packet of document that I
4 have for you, and I think I submitted it, and
5 I'll mark this A-1, if I can -- can, counselor.

6 MR. PANEQUE: Yes. A-1.

7 MR. MAYEROVIC: A-1 is -- is a packet of
8 material. And I have extra copies.

9
10 (Whereupon, Packet (4 pages) was received
11 and marked as Exhibit A-1.)

12
13 MR. MAYEROVIC: And the prior owner of this
14 building, going back to 1988, was a Mr. Gluck. I
15 was able to determine from the Rent Board Office,
16 that he always had the building listed as an
17 eight unit building.

18 So, you will see before you the rent
19 registrations going back to 1993, where the prior
20 owner had listed this building as an eight unit
21 building.

22 Then -- that's A-1.

23 A-2 -- A-2 is the rent registration or one
24 of the rent registrations that was filed by my
25 client. And again, my client followed along. It

1 | was an eight unit building, he listed it as an
2 | eight unit building, two basement apartments and
3 | two apartments per -- per floor.

4 | The third document in the packet is the
5 | confirmation from the tax office that the
6 | building has always been assessed as a eight unit
7 | building.

8 | And I guess the purpose of what I'm saying
9 | is to tell the Board that there were two basement
10 | apartments. My client did not create the two
11 | basement apartments. They've existed there for
12 | over 30 years. When he bought the building, the
13 | two basement apartments were there. He's been
14 | paying -- or in the 30 years, he's been paying
15 | taxes on the property as an eight unit building.

16 | The Building Department determined that the
17 | two basement units are illegal units. We vacated
18 | the apartments. And what we now do is come back
19 | before the Board, in this application, to allow
20 | us to create one apartment in the basement.
21 | Where there was two previously, we want to take
22 | out the two apartments. The two apartments have
23 | been decommissioned, but we want to be able to
24 | put one basement apartment there.

25 | I have two other documents that I'd like to

1 show. And one is the 1988 rent registration for
2 the -- for the building. Again, to show that the
3 unit was an eight family build --

4 MS. DILLON: (Indiscernible).

5 MR. MAYEROVIC: I'm sorry.

6 MS. DILLON: -- behind you.

7 MR. MAYEROVIC: I'm sorry.

8 Again, I want to just add to the record the
9 19 -- 1988 rent registration -- registration with
10 the Rent Board to show that it was an eight unit
11 building going back to 1988.

12 And also, I want to add to the record, the
13 DCA inspection certificates, to show that the
14 building has always been inspected, reported and
15 registered as an eight unit building.

16 However, again, the Building Department
17 determined that the two basement apartments are
18 not appropriate. We now come before the Board to
19 allow us to create a seventh apartment, which
20 would be the basement apartment.

21 Just if I can put these in the record,
22 also?

23 MR. PANEQUE: Yes, you can mark those as
24 A-4 is it?

25 MR. MAYEROVIC: I guess these three

1 documents, A-4. And I'll make another set of
2 them.

3 MS. DILLON: I marked this whole package as
4 A-1.

5 MR. MAYEROVIC: Okay.

6 MS. DILLON: Do you want this to be
7 individually --

8 MR. PANEQUE: That was A-1?

9 MR. MAYEROVIC: Okay. So, this --

10 MS. DILLON: -- marked?

11 MR. PANEQUE: Okay. No. Then, leave that
12 as A-1. Then, this will be A-2.

13 MR. MAYEROVIC: We'll mark this as A-2.

14 MS. DILLON: Do you want this as A-2 and
15 A-3?

16 MR. MAYEROVIC: No, just the three Gluck
17 pages as -- as A-2.

18 MS. DILLON: Okay.

19 Thank you.

20

21 (Whereupon, Packet (3 pages), DCA
22 Certifications (2) and 1988 Rent Registration
23 Statement was received and marked as Exhibit
24 A-2.)

25

1 MR. MAYEROVIC: And -- and at this time,
2 I'd like to present Mr. Feld, who will testify on
3 our behalf.

4 MS. DILLON: Mr. Feld, please raise your
5 right hand.

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

8 MR. FELD: I do.

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

11 MR. FELD: Alan Feld.

12 MS. DILLON: Thank you.

13 MR. MAYEROVIC: Just --

14 MR. PANEQUE: Go ahead, sir.

15 MR. MAYEROVIC: Yeah. Mr. Feld, can you
16 just --

17 Can Mr. Feld be qualified? I believe he's
18 --

19 VICE CHAIRMAN GRULLON: Yeah. Yes, we
20 accept your qualification, Mr. Feld.

21 MR. FELD: Thank you very much.

22 VICE CHAIRMAN GRULLON: You've been in
23 front of us --

24 MR. FELD: Thank you.

25 VICE CHAIRMAN GRULLON: -- in many

1 occasions.

2 Thank you for coming.

3 MR. MAYEROVIC: Mr. Feld, in this
4 application, are you proposing at all to change
5 the physical structure of the building?

6 MR. FELD: No.

7 MR. MAYEROVIC: Are we adding or taking
8 away from this building in any way?

9 MR. FELD: No.

10 MR. MAYEROVIC: And what are you proposing?

11 MR. FELD: So, basically, we're going to
12 renovate the entire basement level. Existing are
13 two apartments. Each one has a kitchen and a
14 bathroom. We're going to remodel the entire
15 basement to provide for just one dwelling unit
16 with one kitchen and one bathroom.

17 MR. MAYEROVIC: So, where there were two
18 apartments before in the basement, that's going
19 to be eliminated.

20 Is that correct?

21 MR. FELD: That's correct.

22 MR. MAYEROVIC: And in its place, we're
23 proposing one.

24 MR. FELD: That's -- one. That's correct.

25 MR. MAYEROVIC: Go ahead. Continue,

1 please.

2 MR. FELD: And so, the existing units were
3 completely inadequate. One of the units had no
4 windows at all, which is incredible. And the
5 other one had an inadequate access to it. So,
6 we're going to, basically, restore, remodel the
7 entire basement.

8 So, the one unit's going to be bigger,
9 because we're eliminating -- we're relocating the
10 corridor which goes from the front to the rear,
11 because the mechanical equipment for the entire
12 building in the basement. And to provide access,
13 this corridor will still go to the mechanical
14 room, so you don't disturb the tenant. And then,
15 we'll provide a new kitchen, a new bathroom for
16 this enlarged dwelling unit, with a proper
17 bedroom at the rear, which will have access both
18 from an egress window and a door leading out to
19 the rear yard, as required.

20 There's also the front entrance off the
21 street, which is directly into the corridor,
22 which has an entrance into the dwelling unit.

23 MR. MAYEROVIC: So, there will be two means
24 of ingress and egress.

25 MR. FELD: Egress from this basement

1 apartment, both with doors, not even windows.

2 MR. MAYEROVIC: There will be two doors.

3 MR. FELD: Two doors.

4 And it has adequate ceiling height. It has
5 a seven foot six ceiling height already. We will
6 have to sprinkle the space and provide any other
7 smoke detectors and fire ratings, as required by
8 Building Code.

9 MR. MAYEROVIC: I -- I --

10 MR. PANEQUE: Is that your only witness?

11 MR. MAYEROVIC: You want to just go through
12 the zoning data?

13 MR. FELD: Yes.

14 So, this is in the R low density
15 residential. We are a preexisting nonconforming
16 use with eight dwelling units. So, we have six,
17 but it was really eight.

18 The other bulk variances are -- are
19 preexisting nonconforming or conforming,
20 depending on the zone itself. But we're not
21 creating any new bulk variances with this
22 application.

23 MR. MAYEROVIC: And -- and am I correct
24 that, in essence, by going down to a seven unit
25 building, we're basically reducing the density?

1 MR. FELD: That is correct.

2 VICE CHAIRMAN GRULLON: Okay.

3 And then, my question is, you -- you had
4 two -- two units that are there that are not
5 legal in Building Department.

6 MR. MAYEROVIC: According to the Building
7 Department --

8 VICE CHAIRMAN GRULLON: And --

9 MR. MAYEROVIC: -- they're not legal.

10 VICE CHAIRMAN GRULLON: -- you want to
11 convert those two units into one unit. You --

12 MR. MAYEROVIC: That's correct.

13 VICE CHAIRMAN GRULLON: -- are reducing
14 from two, that are illegal, and asking for
15 approval of one -- of one apartment --

16 MR. MAYEROVIC: That's --

17 VICE CHAIRMAN GRULLON: -- in the -- in the
18 building.

19 MR. MAYEROVIC: That's correct, Mr.
20 Chairman.

21 All -- all I ask that -- that the Board
22 just take into consideration that this condition
23 was A, not created by my client.

24 The documentation that I've been able to
25 get from the Building Department shows that the

1 | eight units existed well before my client, going
2 | back to the '80s. So, that this condition has
3 | existed for more than 30 years at this point,
4 | documented.

5 | And all of the registrations or the annual
6 | five year inspections that were done through the
7 | Department of Community Affairs on this building,
8 | always showed it as an eight unit building.

9 | Just with that background.

10 | VICE CHAIRMAN GRULLON: I see.

11 | Mr. Mayerovic, could you clarify this
12 | picture that I have on the packet, because they
13 | kind of confusing to me.

14 | MR. MAYEROVIC: I'm sorry. So I'll --

15 | VICE CHAIRMAN GRULLON: Are they the same
16 | pictures?

17 | MR. MAYEROVIC: Yeah. So what --

18 | VICE CHAIRMAN GRULLON: Because this -- if
19 | that -- this is the building --

20 | MR. MAYEROVIC: No. The build -- I -- I
21 | took pictures of all -- that's the build -- that
22 | is the building over here that you've looking at
23 | over here. This is the building. But the
24 | picture show all the other buildings in the
25 | neighborhood.

1 MS. GUTIERREZ: Oh, this is the one in the
2 neighborhood.

3 MR. PRESESY: Um hum.

4 MR. MAYEROVIC: That's -- that's across the
5 street.

6 MS. GUTIERREZ: Oh. Okay. Oh. Okay.

7 MR. MAYEROVIC: On the plans --

8 MR. PANEQUE: Mr. Mayerovic, you do have to
9 stay by the speaker --

10 MR. MAYEROVIC: I'm sorry.

11 MR. PANEQUE: -- because our court reporter
12 --

13 MR. MAYEROVIC: Sorry.

14 MR. PANEQUE: -- is going to --

15 MR. MAYEROVIC: The plans -- the plans --

16 MR. PANEQUE: -- get upset.

17 MR. MAYEROVIC: The plans depict the
18 building that we're talking about. What I did
19 was provide pictures of all the -- all the
20 buildings in the neighborhood.

21 MS. GUTIERREZ: In the neighborhood. Okay.

22 MR. MAYEROVIC: All the buildings are
23 across the street.

24 That's correct.

25 VICE CHAIRMAN GRULLON: This is the

1 building.

2 MR. MAYEROVIC: Yes.

3 MS. GUTIERREZ: Okay.

4 VICE CHAIRMAN GRULLON: See, because by
5 looking at this picture, I can see that you also
6 might need to ask your client to do some work on
7 the façade of the building.

8 MR. MAYEROVIC: We'll address that.

9 VICE CHAIRMAN GRULLON: Yeah. Please.

10 MR. PRESSEY: Oh, yeah.

11 MS. GUTIERREZ: Um hum.

12 VICE CHAIRMAN GRULLON: And again, by
13 approving this, will not increase any bulk
14 variances, --

15 MR. FELD: No bulk variances --

16 VICE CHAIRMAN GRULLON: -- Mr. Feld?

17 MR. FELD: -- are required, no.

18 VICE CHAIRMAN GRULLON: No.

19 I don't have any other questions.

20 Any -- any of the Board members have any
21 questions?

22 Do you have any other witness, Mr. --

23 MR. MAYEROVIC: No.

24 VICE CHAIRMAN GRULLON: -- Mayerovic?

25 MR. PANEQUE: Open to the public.

1 VICE CHAIRMAN GRULLON: At this time, I'm
2 going to open it to the public.

3 Any members of the public want to step
4 forward?

5 No one from the public. Closed to the
6 public.

7 Only with one condition, Mr. Mayerovic, can
8 you speak to your client and try to make some --
9 you know, correction on the façade?

10 MR. MAYEROVIC: We will address that.

11 VICE CHAIRMAN GRULLON: And -- because I
12 can see the stairwell, it's not safe, to make it
13 safer for the resident.

14 MS GUTIERREZ: Um hum.

15 VICE CHAIRMAN GRULLON: And --

16 MR. MAYEROVIC: This -- this -- I believe
17 they recently installed fencing, if you can see,
18 it's in the picture, for the staircase.

19 VICE CHAIRMAN GRULLON: Yes.

20 And what we -- what I have in front of us
21 here is from Building Department, it has six
22 units. And -- and your request is to -- to
23 approve to -- to legalize one unit to become
24 seven units.

25 MR. MAYEROVIC: That's correct.

1 VICE CHAIRMAN GRULLON: And so, my motion
2 is going to be that, making the approval for --
3 to increase from six units to seven units.

4 MR. MAYEROVIC: That's correct.

5 VICE CHAIRMAN GRULLON: With the condition
6 to refresh the façades of the building.

7 MR. MAYEROVIC: That's fine.

8 VICE CHAIRMAN GRULLON: Okay.

9 I make a motion to approve.

10 THE SECRETARY: Motion to approve the
11 application by Mr. Grullon.

12 MS. GUTIERREZ: Second it.

13 THE SECRETARY: Seconded by Ms. Gutierrez.

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

16 Mr. Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes, with the conditions.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Ms. Pena?

2 MS. PENA: Yes.

3 THE SECRETARY: Mr. Cetinich?

4 MR. CETINICH: Yes.

5 THE SECRETARY: Seven in favor.

6 Motion carries.

7 MR. MAYEROVIC: I want to thank everybody
8 for your patience.

9 VICE CHAIRMAN GRULLON: Thank you, Mr.
10 Mayerovic.

11 MR. MAYEROVIC: Everybody have a happy
12 Thanksgiving.

13 MS. GUTIERREZ: Thank you.

14 MR. PANEQUE: Thank you. You, too.

15 MR. MAYEROVIC: And we will address, Mr.
16 Chairman, your concern.

17 VICE CHAIRMAN GRULLON: Thank you, Mr.
18 Mayerovic.

19 Thank you.

20 MR. MAYEROVIC: Thank you.

21 MS. GUTIERREZ: Thank you.

22 MR. MAYEROVIC: Thank you, everybody.

23 I'm going to just take my exhibits.

24 MS. DILLON: No, the originals stay in the
25 file.

1 MR. MAYEROVIC: That's okay. That's fine.

2 Thank you very much again.

3 VICE CHAIRMAN GRULLON: Thank you.

4 MS. GUTIERREZ: You're welcome.

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1 **Edwin Narvaez -**

2 **1311 New York Avenue:**

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4 THE SECRETARY: All right.

5 We are going to next item on the agenda,
6 Edwin Narvaez, 1311 New York Avenue.

7 Ms. Pereiras, please?

8 MS. PEREIRAS: Thank you.

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

11 May it please the Board, Bianca Pereiras on
12 behalf of Edwin Narvaez, for property located at
13 1311 New York Avenue, also known as Block 64,
14 Lot 5.

15 The purpose of me being here this evening
16 is to request this Board an amendment to a
17 resolution previously memorialized.

18 This Board may recall that we appeared
19 before you back in February, on what we believed
20 was an extension and a deck to a first floor of a
21 two family.

22 It has come to our attention, following my
23 client's submittal of construction documents to
24 the Building Department, that the property is not
25 a two family and is only a one family. The

1 Building Department could not find any records of
2 this second unit ever being legalized.

3 So, we are before this Board requesting
4 that the Resolution be amended to allow the
5 extension, allow the deck, to a one family home.

6 We will be, hopefully, in the near future,
7 appearing before this Board on that legalization
8 for the second unit. But for the time being, so
9 that my client can obtain the permits necessary
10 to build that extension, we are before this Board
11 on this application.

12 VICE CHAIRMAN GRULLON: Ms. Pereiras, and
13 your request is to change the Resolution from two
14 units, rear extension, to a one unit rear
15 extension.

16 MS. PEREIRAS: That is correct, Mr.
17 Chairman.

18 VICE CHAIRMAN GRULLON: I don't see any
19 objection with that.

20 Any --

21 MR. PRESSEY: We don't have any
22 documentation or anything?

23 MS. PEREIRAS: No. So, allegedly there was
24 a memorandum issued by the Building Department.
25 I have not been privy to that memorandum as of

1 yet.

2 And just to give you a little more
3 feedback, my client purchased this property about
4 16 months ago. They had very competent counsel
5 at the time. All the records that they had
6 obtained at that time showed it to be a two
7 family. They were paying taxes for a two family.
8 Unfortunately, the Building Department does not
9 have the same records.

10 MR. PANEQUE: To answer Mr. Pressey's
11 concern, the Resolution that was prepared was
12 based on the representation made by counsel and
13 the architect, that they were coming in with the
14 understanding that they had a two family house,
15 located at this address, 1311 New York Avenue.
16 And that they were requesting permission to add a
17 rear addition to this property. It was a one
18 story addition.

19 MS. PEREIRAS: That's correct.

20 MR. PANEQUE: Just to the first floor.

21 The Resolution was prepared and the
22 Resolution indicated that it was an approval of a
23 rear addition to a two family house. When the
24 applicant went to the Building Department, the
25 Building Department rejected the application and

1 the Resolution, because the Building Department
2 had submitted their memo, indicating that the
3 property was a one family.

4 That memo was provided on the day of the
5 meeting, and never made it to the meeting for
6 that evening.

7 And, in fact, it didn't come to light until
8 after the applicant's Resolution was presented to
9 the Board.

10 There is such a memo. I have seen the
11 memo, and the Building Department position is
12 that that house is a legal one family, not a two.

13 So, this Board, the request tonight to this
14 Board is continue with the approval that was
15 granted, just correct the Resolution to read that
16 it's a rear addition to a one family house, not a
17 two family house.

18 Therefore, the applicant can continue with
19 the addition, but use the property only as a one
20 family. My understanding, in speaking to
21 counsel, as well as the architect on this
22 project, which is Mr. Pereiras, is that they do
23 intend to come back before this Board and request
24 that the Board recognize the property as a two
25 family, because that's how they bought it.

1 But that's a separate application, not
2 before the Board this evening.

3 VICE CHAIRMAN GRULLON: But the request in
4 front of us is for less units than what it was
5 previously.

6 MR. PANEQUE: The request is just to amend
7 the Resolution to say it's an approval of a rear
8 addition on a one family instead of a two.

9 So, nothing really changes, other than the
10 Resolution reading it's a one family. That's it.

11 VICE CHAIRMAN GRULLON: Instead of two.

12 Any other member of the Board?

13 Any member --

14 Open to the public.

15 Any member of the public for this
16 application?

17 Closed to the public.

18 With this, I just want to say that this is
19 only a request for the revised Resolution to
20 state that it's a one family with a rear
21 extension instead of two family.

22 I make a motion to approve.

23 THE SECRETARY: Motion to approve -- to
24 approve the amendment by Mr. Grullon.

25 MS. GUTIERREZ: Second.

1 THE SECRETARY: Seconded by Ms. Gutierrez.
2 Roll call on the motion.
3 Mr. Grullon?
4 VICE CHAIRMAN GRULLON: Yes.
5 THE SECRETARY: Ms. Gutierrez?
6 MS. GUTIERREZ: Yes.
7 THE SECRETARY: Mr. Pressey?
8 MR. PRESSEY: Yes.
9 THE SECRETARY: Mr. Medina?
10 MR. MEDINA: Yes.
11 THE SECRETARY: Mr. Ortiz?
12 MR. ORTIZ: Yes.
13 THE SECRETARY: Ms. Pena?
14 MS. PENA: Yes.
15 THE SECRETARY: Mr. Cetinich?
16 MR. CETINICH: Yes.
17 THE SECRETARY: Seven in favor.
18 Motion carries.
19 MS. PEREIRAS: Thank you all very much.
20 VICE CHAIRMAN GRULLON: Thank you.
21 THE SECRETARY: Thank you.
22 MS. PEREIRAS: Have a happy Thanksgiving.
23 I'll see you next month.
24 VICE CHAIRMAN GRULLON: Thank you.
25 MS. GUTIERREZ: Thank you.

1 You, too.

2 MS. PEREIRAS: Bye bye.

3 MS. GUTIERREZ: Stay safe.

4 MS. PEREIRAS: Thank you.

5 You, too.

6 MS. GUTIERREZ: Thank you.

7 THE SECRETARY: Okay.

8 Good night.

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1 **RESOLUTIONS:**

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3 (5) Jose Bonilla, 2106 Bergenline Avenue, Block
4 113, Lot 3. Applicant proposes to legalize first
5 floor apartment. Approved

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7 THE SECRETARY: We are going now to go to
8 Resolutions. Okay.

9 First Resolution tonight's agenda, Jose
10 Bonilla, 2106 Bergenline Avenue.

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

13 VICE CHAIRMAN GRULLON: Motion.

14 THE SECRETARY: Motion by Mr. --

15 MS. GUTIERREZ: Second.

16 THE SECRETARY: -- Grullon.

17 Seconded by Ms. Gutierrez.

18 Roll call on the motion.

19 Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Mr. Pressey?

22 MR. PRESSEY: Yes.

23 THE SECRETARY: I'm sorry. Yes, for the
24 record --

25 MS. GUTIERREZ: I wasn't here.

1 THE SECRETARY: -- she wasn't -- Mrs. --
2 Mrs. -- Ms. Gutierrez was absent.

3 MS. GUTIERREZ: I was absent?

4 THE SECRETARY: On September 8.

5 MS. GUTIERREZ: I abstain.

6 THE SECRETARY: Now, okay.

7 Let's go back.

8 VICE CHAIRMAN GRULLON: Motion.

9 THE SECRETARY: Motion by Mr. Grullon.

10 The person who was present on September
11 meeting was Mr. Grullon, Mr. Pressey, Mr. Medina,
12 Mr. Ortiz, Ms. Perez, Mr. Cetinich and Ms.
13 Watley.

14 Now, I have a motion on the table by -- by
15 Mr. Grullon.

16 MR. ORTIZ: Second it.

17 THE SECRETARY: Seconded by Mr. Ortiz.

18 Roll call on the motion.

19 Mr. Grullon?

20 VICE CHAIRMAN GRULLON: Yes.

21 THE SECRETARY: Mr. Pressey?

22 MR. PRESSEY: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Ortiz?

1 MR. ORTIZ: Yes.

2 THE SECRETARY: Mr. Cetinich?

3 MR. CETINICH: Yes.

4 THE SECRETARY: Ms. Watley?

5 MS. WATLEY: Yes.

6 THE SECRETARY: Six in favor.

7 Motion carries.

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1 **RESOLUTIONS:**

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3 (1) 603 Central Avenue, LLC, 603-607 Central
4 Avenue, Block 300, Lots 21, 22, 23. Applicant
5 proposes demolishing existing one story warehouse
6 and constructing three (3) two family house.

7 **Approved**

8 (2) 134 35th Street, LLC, 134 35th Street, Block
9 212, Lot 8. The applicant requests a one-year
10 extension to afford the Union City Building
11 Department additional time to complete their
12 review and process the applicable permits. The
13 resolution was memorialized on 10/11/2018. The
14 revised resolution was memorialized on 9/11/2019.

15 **Approved**

16 (3) 134 35th Street, LLC, 136 35th Street, Block
17 212, Lot 7. The applicant requests a one year
18 extension to afford the Union City Building
19 Department additional time to complete their
20 review and process the applicable permits. The
21 resolution was memorialized on 10/11/2018. The
22 revised resolution was memorialized on 9/11/2019.

23 **Approved**

24 (4) Rafael Taveres, 1211 New York Avenue, Block
25 61.02, Lot 7. The applicant requests a one-year

1 extension to afford him sufficient time to obtain
2 building permits and begin construction. The
3 resolution was memorialized on 11/01/2018.

4 **Approved**

5
6 THE SECRETARY: We are going to four
7 Resolutions.

8 Resolution number 1.

9 Sixteen -- I'm sorry -- 603 Central Avenue,
10 LLC, 603-607 Central Avenue.

11 Resolution number 2.

12 134 35th Street, LLC, 134 35th Street.

13 Resolution number 3.

14 134 35th Street, LLC, 136 35th Street.

15 Resolution number 4.

16 Rafael Taveres, 1221 New York Avenue.

17 Members present at the previous hearing on
18 October 8 was Mr. Grullon, Ms. Gutierrez, Mr.
19 Pressey, Ms. Perez, Mr. Cetinich, and Mrs.
20 Watley.

21 Can I have a motion --

22 MS. GUTIERREZ: Make a motion.

23 THE SECRETARY: -- to memorialize these
24 resolutions?

25 VICE CHAIRMAN GRULLON: Motion.

1 THE SECRETARY: Motion by Mr. Grullon.

2 MS. GUTIERREZ: Second.

3 THE SECRETARY: Seconded by Ms. Gutierrez.

4 Roll call on the motion.

5 Mr. Grullon?

6 VICE CHAIRMAN GRULLON: Yes.

7 THE SECRETARY: Ms. Gutierrez?

8 MS. GUTIERREZ: Yes.

9 THE SECRETARY: Mr. Pressey?

10 MR. PRESSEY: Yes.

11 THE SECRETARY: Mr. Cetinich?

12 MR. CETINICH: Yes.

13 THE SECRETARY: Ms. Watley?

14 MS. WATLEY: Yes.

15 THE SECRETARY: Five in favor.

16 Motion carries.

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1 **ADJOURNMENT:**

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

6 Motion by Mr. Pressey.

7 Seconded by?

8 Mr. Ortiz.

9 All in favor?

10

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

12

13 THE SECRETARY: The ayes have it.

14 Let the record indicate that the meeting
15 has ended.

16 Thank you and have a good night, everyone.

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18 (Whereupon, the proceedings were concluded
19 at 8:37 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, November 12, 2020
10 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon