

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

SPECIAL MEETING : TRANSCRIPT OF RECORDED  
: PROCEEDINGS  
:  
\_\_\_\_\_ :

Via Zoom Video Conference  
Union City, New Jersey

Thursday, December 17, 2020  
Commencing at 6:00 p.m.

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

MARGARITA GUTIERREZ, (Remotely)  
MIGUEL ORTIZ, (Remotely)  
DAVID W. PRESSEY, (Remotely)  
ROSIO PENA, Alternate No. 1, (Remotely)  
GERALDINE PEREZ, Alternate No. 2, (Remotely)  
MINDRY WATLEY, Alternate No. 4, (Remotely)  
VICTOR M. GRULLON, Vice Chairman, (Remotely)

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

LIBERO MAROTTA  
JOHN MEDINA  
RAYMOND CETINICH, Alternate No. 3

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

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

I N D E X

|                             | <u>PAGE</u> |
|-----------------------------|-------------|
| CALL TO ORDER               | 3           |
| SALUTE TO FLAG              | 4           |
| ROLL CALL                   | 4           |
| <br>ADOPTION OF MINUTES     | <br>7       |
| <br>ADOPTION OF RESOLUTIONS | <br>9/11    |
| AMENDED RESOLUTION          | 15          |
| REVISED RESOLUTION          | 18          |
| <br>ADJOURNMENT             | <br>24      |

1 MS. DILLON: On the record.

2 THE SECRETARY: On the record.

3 Please take notice that in -- in accordance  
4 with the Open Public Meeting Act P.L. 1975 c. 231  
5 and the Governor of New Jersey Executive Order  
6 102 and 104 regarding COVID-19 emergency action,  
7 this is to advise that the Union City Zoning  
8 Board of Adjustment will be held -- is a special  
9 voting meeting virtually via video conferencing  
10 software.

11 A Special Meeting of the Union City Zoning  
12 Board of Adjustment has been scheduled for  
13 Thursday, December 17, 2020, at six p.m. A  
14 Special Meeting will be conducted remotely from  
15 the electronic meeting platform Zoom USA.

16 Members of the public can join the meeting  
17 and participate during the public comment period  
18 by joining the meeting using Zoom mobile  
19 application on a smartphone or tablet. Joining  
20 the meeting by laptop with microphone capability,  
21 dialing in the using a telephone to the Zoom  
22 teleconference system.

23 Information how to join the meeting  
24 electronically appears below.

25 Link to the meeting has been posted on the

1 website of the City of Union City, also the  
2 bulletin board of the City of Union City.

3 Before we call roll for this evening, can  
4 everybody kindly rise to salute the flag?

5

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

8

9 THE SECRETARY: Thank you.

10 MS. GUTIERREZ: Carlos, I have my flag.  
11 Look.

12 THE SECRETARY: Yeah. That's good.

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

15 Notice of this meeting, setting forth the  
16 time, date, location, and 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 the City  
20 Hall, and has been made available to the public  
21 in the Office of the Municipal Clerk.

22

23 **ROLL CALL:**

24

25 THE SECRETARY: Roll call for tonight's

1 meeting.

2 Victor Grullon?

3 VICE CHAIRMAN GRULLON: Here.

4 THE SECRETARY: Libero Marotta?

5 Is absent.

6 Margarita Gutierrez?

7 MS. GUTIERREZ: Here.

8 THE SECRETARY: Miguel Ortiz?

9 MR. ORTIZ: Present.

10 THE SECRETARY: David Pressey?

11 MR. PRESSEY: Here.

12 THE SECRETARY: John Medina?

13 Is absent.

14 Rosio Pena?

15 MS. PENA: Here.

16 THE SECRETARY: Geraldine Perez?

17 MS. PEREZ: Here.

18 THE SECRETARY: Present.

19 Raymond Cetinich?

20 Is absent.

21 Mindry Watley?

22 MS. WATLEY: Here.

23 THE SECRETARY: Let -- let the record

24 indicate there are seven member present. So we

25 have a Board member made up of seven.

1                   We have a full quorum to establish any  
2 decision tonight meeting.

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1     **ADOPTION OF MINUTES:**

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3       ( 1) Regular Meeting Held on November 12, 2020

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5             THE SECRETARY: All right.

6             We have approval of previous meeting

7 minutes from November 12, 2020.

8             Can I have a motion?

9             VICE CHAIRMAN GRULLON: Motion.

10            MS. GUTIERREZ: I make a motion.

11            Second.

12            THE SECRETARY: Motion by Mr. Grullon.

13            Seconded by Ms. Gutierrez.

14            Roll call on the motion.

15            Mr. Grullon?

16            VICE CHAIRMAN GRULLON: Yes.

17            THE SECRETARY: Ms. Gutierrez?

18            MS. GUTIERREZ: Yes.

19            THE SECRETARY: Mr. Pressey?

20            MR. PRESSEY: Yes.

21            THE SECRETARY: Mr. Ortiz?

22            MR. ORTIZ: Yes.

23            THE SECRETARY: Ms. Pena?

24            MS. PENA: Yes.

25            THE SECRETARY: Ms. Perez?

1 Ms. PEREZ: Yes.

2 THE SECRETARY: I think you was absent the  
3 previous meeting.

4 Right?

5 Ms. Perez? Yes, you was absent the  
6 previous meeting. You have to abstain.

7 MS. PEREZ: I abstain.

8 THE SECRETARY: Ms. Watley?

9 MS. WATLEY: Yes.

10 THE SECRETARY: Six in favor, one  
11 abstained.

12 Motion carries.

13 All right.

14 We don't have any application on tonight's  
15 agenda.

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1     **ADOPTION OF RESOLUTIONS:**

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3       ( 1) Resolution Appointing the Zoning Board of  
4     Adjustment Secretary for the Year 2021

5       ( 2) Resolution to approve the Zoning Board of  
6     Adjustment Schedule for the Year 2021

7

8             THE SECRETARY: We are going to  
9     Resolutions.

10            Resolution number 1 and 2.

11            Resolution 1.

12            Appointing the Zoning Board of Adjustment  
13     Secretary for the Year 2021.

14            Resolution number 2.

15            To Approve the Zoning Board of Adjustment  
16     Schedule for the Year 2021.

17            Can I have a motion?

18            VICE CHAIRMAN GRULLON: Motion.

19            MS. GUTIERREZ: Motion.

20            THE SECRETARY: Motion by --

21            MS. GUTIERREZ: Second.

22            THE SECRETARY: Motion by Mr. Grullon.

23            Seconded by Mr. Ortiz?

24            MR. ORTIZ: Yes.

25            THE SECRETARY: Roll call on the motion.

1 Mr. Grullon?

2 VICE CHAIRMAN GRULLON: Yes.

3 THE SECRETARY: Ms. Gutierrez?

4 MS. GUTIERREZ: Yes.

5 THE SECRETARY: Mr. Pressey?

6 MR. PRESSEY: Yes.

7 THE SECRETARY: Mr. Ortiz?

8 MR. ORTIZ: Yes.

9 THE SECRETARY: Ms. Pena?

10 MS. PENA: Yes.

11 THE SECRETARY: Ms. Perez?

12 MS. PEREZ: Yes.

13 THE SECRETARY: Ms. Watley?

14 MS. WATLEY: Yes.

15 THE SECRETARY: Seven in favor.

16 Motion carries.

17 I will email you the schedule for 2021.

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**ADOPTION OF RESOLUTIONS:**

( 3) CHA Partners, LLC, 546-548 35<sup>th</sup> Street, Block 213, Lots 17-18, 547 36<sup>th</sup> Street, Block 64, 65, 66. New Construction of a four story multi-family dwelling consisting of 27 units; 18 apartments of two bedrooms, nine apartments of one bedroom over one level parking garage with 38 parking spaces. **Approved**

( 4) 928-930 19<sup>th</sup> Street, LLC, 928-930 19<sup>th</sup> Street, Block 105, Lot 28 & 29. Basement development for addition of one dwelling unit and a building manager office area. **Approved**

( 5) Shefa Realty Corp., 542 38<sup>th</sup> Street, Block 224, Lot 10. The applicant proposes to combine two existing basement apartments in an existing multi-family building, located on the above noted lot, to create a two bedroom unit. The number of residential units will increase from six to seven; there are two existing units on each of the first, second and third floors. **Approved**

( 6) Adam Rassoulinejad, 128 39<sup>th</sup> Street, Block 233, Lot 7. Converting from one family to two family dwelling. Apartment legalization.

**Approved**

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2 THE SECRETARY: We are going to Resolution  
3 3, 4, 5, and 6.

4

Resolution number 3.

5

CHA Partners, LLC, 546-548 35<sup>th</sup> Street.

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7 As per Mr. Spatz -- you know, all the  
revised blueprints was correct.

8

9 MR. SPATZ: Yes. The -- the applicant made  
10 the change in the plans to close off the one  
11 exit, so they all come in and out on the same  
12 street, and they made whatever changes the Board  
required. So, it is ready to be approved.

13

THE SECRETARY: Thank you, Mr. Spatz.

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Resolution number 3.

15

928-930 19<sup>th</sup> Street.

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Resolution number 5.

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Shefa Realty Corporation, 542 38<sup>th</sup> Street.

18

Resolution number 6.

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Adam Rassoulinejad, 128 39<sup>th</sup> Street.

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21 All these Resolutions was approved at the  
November meeting.

22

23 Can I have a motion to memorialize these  
Resolutions?

24

VICE CHAIRMAN GRULLON: Motion.

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MS. GUTIERREZ: Second.

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. Ortiz?

12 MR. ORTIZ: Yes.

13 THE SECRETARY: Ms. Pena?

14 MS. PENA: Yes.

15 THE SECRETARY: Ms. Perez?

16 MS. PEREZ: Yes.

17 THE SECRETARY: You -- you was absent at  
18 the previous meeting.

19 MS. PEREZ: I'm sorry. Yeah. Okay.

20 I -- I keep forgetting I missed that one.  
21 I'm sorry.

22 THE SECRETARY: You -- you abstain?

23 MS. DILLON: She's on mute, Carlos.

24 MS. PEREZ: Yes. I abstain.

25 MS. DILLON: Thank you.

1 THE SECRETARY: Ms. Watley?

2 MS. WATLEY: Yes.

3 THE SECRETARY: Six in favor, one  
4 abstained.

5 Motion carries.

6 All these was approved at the -- at the  
7 November meeting or was in the November meeting  
8 agenda.

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1     **ADOPTION OF RESOLUTIONS:**

2     **AMENDED RESOLUTION:**

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4     ( 7) Edwin Narvaez, 1311 New York Avenue, Block  
5     64, Lot 5. Applicant proposes a rear addition  
6     and deck on the first floor level.     Approved

7

8             THE SECRETARY: Number -- Resolution number  
9     7.

10            Edwin Narvaez.

11            It was an Amended Resolution, 1311 New York  
12   Avenue.

13            Can I --

14            MR. PANEQUE: If I may --

15            THE SECRETARY: -- have a --

16            MR. PANEQUE: If I may, Mr. Vallejo, just  
17   so that the Board is clear.

18            On this Resolution, this is the one that  
19   the Board had previously approved where the  
20   applicant had come in and indicated to the Board  
21   that they were asking for a rear addition on a  
22   two family house.

23            We learned -- later learned that it's a  
24   rear addition on a one family house. So, the  
25   amended Resolution is to amend the approval of

1 the rear addition to a one family house.

2 THE SECRETARY: Thank you, Mr. Paneque.

3 MR. PANEQUE: Thank you.

4 THE SECRETARY: Can I have a motion to  
5 memorialize this -- this Resolution?

6 VICE CHAIRMAN GRULLON: Motion.

7 THE SECRETARY: Motion by Mr. Grullon.

8 MR. PRESSEY: Second.

9 THE SECRETARY: Seconded by?

10 MR. PRESSEY: Pressey.

11 THE SECRETARY: Mr. -- Mr. Ortiz?

12 MR. PRESSEY: Pressey.

13 MR. ORTIZ: Mr. Pressey.

14 THE SECRETARY: Mr. Pressey.

15 I'm sorry.

16 MR. PRESSEY: That's okay.

17 THE SECRETARY: Roll call on the motion.  
18 Mr. Grullon?

19 VICE CHAIRMAN GRULLON: Yes.

20 THE SECRETARY: Ms. Gutierrez?

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Pressey?

23 MR. PRESSEY: Yes.

24 THE SECRETARY: Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Ms. Pena?

2 MS. PENA: Yes.

3 THE SECRETARY: Ms. Perez?

4 MS. PEREZ: I don't need to abstain on  
5 this.

6 Right?

7 THE SECRETARY: Yes. You have to abstain.  
8 Yes.

9 Ms. Watley?

10 Ms. Watley?

11 MS. WATLEY: Yes.

12 THE SECRETARY: Thank you.

13 Six in favor, one abstained.

14 Motion carries.

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1     **ADOPTION OF RESOLUTIONS:**

2     **REVISED RESOLUTION:**

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4     ( 8) Raul Mier - 401-403 5<sup>th</sup> Street, A/K/A 413 New  
5     York Avenue. Subdivide lots and construct three  
6     family residences (L. Diaz, Esq.-March 13, 2014).  
7     The variance application was approved on March  
8     13, 2014 and an appeal filed with the Court of  
9     Appeals has also been resolved. The Building  
10    Department requires a revised resolution.

11    **Approved**

12

13           THE SECRETARY: We are going to Resolution  
14    number 8.

15           Raul Mier, 401-403 5<sup>th</sup> Street.

16           Mr. Paneque?

17           MR. PANEQUE: For the edification of the  
18    Board, this is the application where the  
19    applicant's attorney came before the Board last  
20    month and indicated to the Board that he needed  
21    this Resolution, which was the Resolution  
22    approving the subdivision of the lots, which had  
23    been previously approved back in 2014, but had  
24    never been included in that Resolution.

25           The reason it has taken so long for the

1 matter to come back before the Board is because  
2 this application was appealed. It went to the  
3 Superior Court, it went to the Appellate  
4 Division, and then it went to the Supreme Court  
5 which denied certiorari. And the application was  
6 ultimately deemed approved. However, the  
7 subdivision was not part of that original  
8 Resolution.

9 I did have an opportunity to review the  
10 transcript from 2014, as indicated at the last  
11 meeting, and definitely the subdivision was part  
12 of that approval. It was just not incorporated,  
13 by oversight, in the Resolution. So, we're  
14 having a Resolution now to approve that  
15 subdivision.

16 THE SECRETARY: Thank you, Mr. Paneque.

17 VICE CHAIRMAN GRULLON: Mr. Paneque, this  
18 is a correction on the Resolution from the  
19 previously approved?

20 MR. PANEQUE: It's an Amended Revised  
21 Resolution, to include the subdivision, which was  
22 originally approved by the Board, but was  
23 inadvertently not included in the original  
24 Resolution.

25 So, it -- it was more of an oversight in

1 the original Resolution, that it failed to  
2 indicate that a subdivision was approved.

3 The fact is that the project cannot be done  
4 without the subdivision. And it was -- in the  
5 transcripts, it's very clear that the Board, in  
6 2014, did approve the subdivision. So, we just  
7 have to incorporate it into a Resolution for the  
8 Building Department to then issue the permits.

9 VICE CHAIRMAN GRULLON: Okay. Got it.

10 Thank you.

11 Thank you, Mr. Paneque.

12 THE SECRETARY: Can I have a motion?

13 VICE CHAIRMAN GRULLON: Then, I make a  
14 motion to approve the correction on the  
15 Resolution.

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

17 THE SECRETARY: Motion by Mr. Grullon.

18 Seconded by --

19 MS. GUTIERREZ: Second.

20 THE SECRETARY: -- Ms. Gutierrez.

21 MS. GUTIERREZ: Yes.

22 THE SECRETARY: Roll call on the motion.  
23 Mr. Grullon?

24 VICE CHAIRMAN GRULLON: Yes.

25 THE SECRETARY: Ms. Gutierrez?

1 MS. GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Pressey?

3 MR. PRESSEY: Yes.

4 THE SECRETARY: Mr. Ortiz?

5 MR. ORTIZ: Yes.

6 THE SECRETARY: Ms. Pena?

7 MS. PENA: Yes.

8 THE SECRETARY: Ms. Perez?

9 MS. PEREZ: I'm going to abstain.

10 THE SECRETARY: Ms. Watley?

11 MS. WATLEY: Yes.

12 THE SECRETARY: Six in favor, one

13 abstained.

14 Motion carries.

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1     **ADJOURNMENT:**

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3             THE SECRETARY:  Before we close tonight's  
4 meeting, I would like to say happy holidays to  
5 everyone.

6             MS. GUTIERREZ:  Thank you.

7             THE SECRETARY:  Stay safe.

8             MR. PANEQUE:  Thank you.

9             MS. GUTIERREZ:  Thank you.

10            You, too.

11            To all of you guys.

12            MR. ORTIZ:  Thank you, Carlos.

13            MR. PRESSEY:  God bless.

14            MR. SPATZ:  Happy and healthy new year to  
15 everybody.

16            THE SECRETARY:  Happy --

17            MS. GUTIERREZ:  Thank you.

18            Thank you.

19            You, too.

20            MS. PENA:  Yes.  Happy holidays.

21            Thank you.

22            THE SECRETARY:  There being no other  
23 application or any other item on this -- in  
24 tonight's meeting, can I have a motion to close  
25 the meeting?

1 MR. ORTIZ: Motion.

2 THE SECRETARY: Motion by Mr. Ortiz.

3 Any second?

4 MS. GUTIERREZ: Second.

5 THE SECRETARY: 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. Ortiz?

12 MR. ORTIZ: Yes.

13 THE SECRETARY: Mr. Pressey?

14 MR. PRESSEY: Yes.

15 THE SECRETARY: Ms. Pena?

16 MS. PENA: Yes.

17 THE SECRETARY: Ms. Perez?

18 MS. PEREZ: Yes.

19 THE SECRETARY: Ms. Watley?

20 MS. WATLEY: Yes.

21 THE SECRETARY: Seven in favor.

22 Motion carries.

23 Let the record show that the meeting has

24 ended.

25 Thank you, everyone.

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(Whereupon, there was a chorus of good  
night.)

(Whereupon, the proceedings were concluded  
at 6:15 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,  
6 do hereby affirm that the foregoing is a true and  
7 accurate transcript in the matter of the SPECIAL  
8 MEETING of the UNION CITY ZONING BOARD OF  
9 ADJUSTMENT heard on Thursday, December 17, 2020  
10 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon