

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, April 8, 2021
Commencing at 6:10 p.m.

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

JOHN MEDINA
MIGUEL ORTIZ
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
MARGARITA GUTIERREZ, Vice Chairperson
VICTOR M. GRULLON, Chairperson

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

LIBERO MAROTTA
DAVID W. PRESSEY
ROSIO PENA, Alternate No. 1
MINDRY WATLEY, Alternate No. 4

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

LAUREN PURDOM, Heyer, Gruel & Associates
Board Planner

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

ALAIN MULKAY, ESQ.,
Attorney for Applicant, 3915 Bergenline Avenue, LLC

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant La Q Realty, LLC

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I N D E X

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3915 Bergenline Avenue

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I N D E X

La Q Realty, LLC
707 22nd Street

WITNESS

PAGE

Jose Izquierdo

53

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

3 Please take notice that on Thursday,
4 April 8, 2021, at six p.m., a Regular Meeting is
5 scheduled for the Union City Zoning Board of
6 Adjustment, to be held in the Union City High
7 School, located at 2500 John F. Kennedy
8 Boulevard, Union City, New Jersey.

9 Can everybody kindly rise to salute the
10 flag, please?

11

12 (Whereupon, the Pledge of Allegiance was
13 said by all.)

14

15 THE SECRETARY: Thank you.

16 Adequate notice of this meeting has been
17 provided as follow:

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

25 Also, it has been posted on the front door

1 of the Union City High School.

2

3 **ROLL CALL:**

4

5 THE SECRETARY: Roll call for tonight's
6 meeting.

7 Mr. Grullon?

8 CHAIRPERSON GRULLON: Here.

9 THE SECRETARY: Mr. Marotta?

10 Is absent.

11 Ms. Gutierrez?

12 VICE CHAIRPERSON GUTIERREZ: Here.

13 THE SECRETARY: Mr. Ortiz?

14 MR. ORTIZ: Here.

15 THE SECRETARY: Mr. Pressey?

16 Is absent.

17 Mr. Medina?

18 MR. MEDINA: Here.

19 THE SECRETARY: Ms. Pena?

20 Absent.

21 Ms. Perez?

22 MS. PEREZ: Here.

23 THE SECRETARY: Mr. Cetinich?

24 MR. CETINICH: Here.

25 THE SECRETARY? Ms. Watley's absent.

1 Let the record indicate there are six
2 present.

3 Those absent tonight are Mr. Marotta, Mr.
4 Pressey, Ms. Pena, and Ms. Watley.

5 So we have a full quorum for tonight's
6 meeting; six members.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting Held on March 11, 2021

4

5 THE SECRETARY: Approval of previous
6 meeting minutes from March 11, 2021.

7 Can I have a motion?

8 CHAIRPERSON GRULLON: Motion.

9 THE SECRETARY: Motion --

10 VICE CHAIRPERSON GUTIERREZ: Second.

11 THE SECRETARY: Motion by Mr. Grullon.

12 Seconded by Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Grullon?

15 CHAIRPERSON GRULLON: Yes.

16 THE SECRETARY: Ms. Gutierrez?

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Mr. Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Ms. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

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

4
5 * * *

1 **391 Mountain Road, LLC -**

2 **391 Mountain Road:**

3

4 THE SECRETARY: Hearings and Applications.

5 391 Mountain Road, LLC; Ms. Pereiras.

6 Mr. Paneque, please?

7 MR. PANEQUE: Chairman Grullon, ladies and
8 gentlemen of the Board, members of the public,
9 this afternoon Mr. Vallejo and myself received an
10 email from the office of the applicant's
11 attorney, Ms. Bianca Pereiras.

12 The email states as following with a
13 letter:

14 Mr. Vallejo, as you know this office
15 represents 391 Mountain Road, LLC in regards to
16 their application for approval before the Union
17 City Board of Adjustment.

18 This matter scheduled for a continuation
19 this evening and, unfortunately, I'm unable to
20 attend the hearing. Please accept my sincerest
21 apologies, I am -- as I am feeling ill. My
22 daughter --

23 Name left unsaid.

24 -- is also sick.

25 In an abundance of caution and respect to

1 the Board and public, I do not believe it would
2 be prudent for me to attend under these
3 circumstances.

4 Kindly carry this matter to the Board's
5 next meeting without the need to a re-notice.

6 Thank you for your attention and
7 consideration to this matter.

8 Very truly yours, Bianca Pereiras.

9 Mr. Grullon, I also would like to state
10 that around the time that that email was sent,
11 shortly before that -- maybe a few -- ten minutes
12 prior, Ms. Pereiras called my office and she did
13 indicate that she was feeling very ill. She was
14 concerned that she was running a temperature and
15 indicated to me that she didn't think it would be
16 prudent for her to attend and put everybody's
17 life at risk.

18 CHAIRPERSON GRULLON: No, we understand
19 that. The Board understand that this -- anyone
20 sick, is better to carry any application and not
21 expose the public and the -- and the Board
22 members -- somebody gets sick.

23 Is she requesting an adjournment to the
24 next --

25 MR. PANEQUE: The letter is requesting that

1 the matter be carried without the need to re-
2 notice.

3 This would be the second adjournment for
4 the applicant.

5 CHAIRPERSON GRULLON: Under the
6 circumstances, I -- I agree, you know, to make
7 the adjournment to the next Board meeting, which
8 is May --

9 THE SECRETARY: Thirteen. May 13, --

10 CHAIRPERSON GRULLON: -- May 13.

11 THE SECRETARY: -- 2021.

12 CHAIRPERSON GRULLON: I make a motion to --

13 THE SECRETARY: Same place.

14 CHAIRPERSON GRULLON: -- carry this
15 application to the May -- May 13 meeting.

16 THE SECRETARY: Motion to carry --

17 VICE CHAIRPERSON GUTIERREZ: Second.

18 THE SECRETARY: -- this application to May
19 13 by Mr. Grullon.

20 Seconded by Miss Gutierrez.

21 Roll call on the motion -- on the motion.

22 Mr. Grullon?

23 CHAIRPERSON GRULLON: Yes, to carry.

24 THE SECRETARY: Ms. Gutierrez?

25 VICE CHAIRPERSON GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Medina?
2 MR. MEDINA: Yes.
3 THE SECRETARY: Mr. Ortiz?
4 MR. ORTIZ: Yes.
5 THE SECRETARY: Ms. Perez?
6 MS. PEREZ: Yes.
7 THE SECRETARY: Mr. Cetinich?
8 MR. CETINICH: Yes.
9 THE SECRETARY: Six in favor.
10 Motion carries.
11 No new notice required.
12 CHAIRPERSON GRULLON: Okay.
13 THE SECRETARY: Thank you.
14 CHAIRPERSON GRULLON: If there is any
15 member of the public here for the application of
16 391 Mountain Road, this application is going to
17 be carried to the next month meeting -- next --
18 next Board meeting on May 8th (sic).
19 MR. PANEQUE: Thirteenth.
20 MS. PEREZ: May 13th.
21 THE SECRETARY: No. May 13.
22 VICE CHAIRPERSON GUTIERREZ: Thirteenth.
23 CHAIRPERSON GRULLON: Oh, I -- May 13th.
24 MR. MEDINA: Thirteen, yeah; 5/13.
25 A CITIZEN: May 13th?

1 THE SECRETARY: Yes.

2 A CITIZEN: Yeah?

3 VICE CHAIRPERSON GUTIERREZ: Um-hum.

4 THE SECRETARY: The agenda will be posted
5 on the website in the City of Union City.

6 A CITIZEN: Okay.

7 But while we're here, just May 13th, six
8 p.m.?

9 MR. PANEQUE: Yes.

10 A CITIZEN: Thank you.

11 THE SECRETARY: Same time, same place, --

12 CHAIRPERSON GRULLON: No new notices
13 required.

14 THE SECRETARY: -- same -- same location.

15 A CITIZEN: Same bat time; same bat
16 channel.

17 Thank you very much.

18 THE SECRETARY: No problem.

19 CHAIRPERSON GRULLON: Thank you.

20 A CITIZEN: Hope she feels better if you
21 speak with her.

22 THE SECRETARY: Right.

23 * * *

24

25

1 **3915 Bergenline Avenue, LLC -**

2 **3915 Bergenline Avenue:**

3

4 THE SECRETARY: Next hearing on tonight's
5 agenda, 3519 (sic) Bergenline Avenue LLC.

6 Mr. Mulkay, please?

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

10 I have an affidavit of service, which is
11 signed by Teresa Pacheco, notarized by Johanna
12 Cueto, indicating that notice of tonight's
13 hearing was provided to all property owners
14 within the 200 foot radius of 3915 Bergenline
15 Avenue within the statutory time limits required.

16 I've also been provided with a copy of the
17 notice that was sent to all property owners
18 within the 200 foot radius.

19 Said notice indicates that the matter will
20 be heard tonight, April 8th, at six o'clock, at
21 the Union City High School with this address, and
22 it states the reason what the applicant is
23 seeking in the form of relief from this Board.

24 I've also been provided with a copy of the
25 ad that was published in The Jersey Journal with

1 a date of publication of March 22nd, 2021.

2 The ad indicates that on -- the matter will
3 be heard today, the 8th of April, at this
4 location, Union City High School. It lists the
5 property address and what the petitioner is
6 seeking.

7 I've also been provided with a copy of the
8 list of property owners within the 200 foot
9 radius of 3915 Bergenline Avenue with a date from
10 the tax assessor's office of March 18th, 2021.

11 And I've also been provided with copies of
12 the certified mail receipts with a postmark date
13 of March 25th, 2021, as well as the certified mail
14 receipts that have come back to date.

15 Based on the documentation that has been
16 provided by Mr. Mulkay, this Board has
17 jurisdiction to proceed and hear this matter.

18 Thank you, Mr. Mulkay.

19 MR. MULKAY: Thank you.

20 CHAIRPERSON GRULLON: No question, Mr.
21 Mulkay.

22 MS. DILLON: I need the names that you
23 read.

24 Thank you.

25 MR. MULKAY: Mr. Chairman, members of the

1 Board, my name is Alain Mulkay.

2 I'm here on behalf of the applicant.

3 Just by quick background.

4 This matter was before this Board back in
5 2012. We appeared before the Board. We made a
6 presentation seeking approval to legalize four
7 apartments in an existing building that's eight
8 residential units currently, with a commercial
9 space downstairs.

10 My clients purchased the building in 2006
11 and they purchased it in that matter.

12 At the time my client was doing some
13 electrical work and when he went to pull permits
14 in 2012 it was discovered that the Building
15 Department records showed it as a four family
16 instead of an eight family.

17 We appeared before this Board, made a full
18 presentation, and the Board approved the
19 legalization of the existing four units.

20 Over the last nine years my client has
21 applied for permits, has obtained permits, and
22 done pretty much all of the work that was
23 required.

24 And when they were about to get the CO the
25 Building Department reviewed the Resolutions and

1 realized that it had been more than the statutory
2 time, that the Resolution had expired.

3 So, we're here before the Board with
4 identical plans, I believe, that were submitted
5 before. The -- the ordinance has changed a
6 little bit.

7 In that initial Resolution we didn't have
8 the electrical generator that's up on the roof
9 now, which was put in later with permits. And it
10 was put in later but, since we're here, we've
11 included that as part of the application. It's
12 really the only change from the application of
13 2012 and we're seeking to legalize it, so my
14 client could finally get the COs.

15 The file by the Building Department has
16 been misplaced. They can't locate the file, so
17 they don't have copies of the permits of when
18 they were pulled and when the stuff was done.
19 And that's what brings us here today.

20 I have both an architect who prepared the
21 plans and who testified at the 2012 hearing and I
22 have a planner today to testify as to the
23 variances that are required.

24 All right.

25 Mr. Orestes Valella?

1 MS. DILLON: Please raise your right hand.

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

4 MR. VALELLA: It is. Or I do.

5 MS. DILLON: Please state your name for the
6 record.

7 MR. VALELLA: My name is Orestes Valella,
8 V-A-L-E-L-L-A.

9 I'm a licensed architect in the State of
10 New York and New Jersey. And my professional
11 offices are at 507 43rd Street in Union City, New
12 Jersey.

13 CHAIRPERSON GRULLON: We accept your
14 qualifications, Mr. Valella.

15 It's a pleasure for the Board to have you
16 back.

17 MR. VALELLA: Thank you.

18 MR. MULKAY: Mr. Valella, could you explain
19 to the Board the plans that we submitted to the
20 Board in this application and how they compare to
21 the original application?

22 MR. VALELLA: Sure. I'd be happy to.

23 I think counsel did a wonderful job. I
24 think most of the details have been stated.

25 We were here in 2012 to legalize four

1 units. At that point the units were there. My
2 -- as counsel mentioned, my client bought the --
3 a -- a building with the units there. It's not
4 like he went in and did work in the middle of the
5 night.

6 He wanted to legalize something that he had
7 purchased and, you know, became aware of a
8 problem.

9 They are four -- it's a -- a three story
10 building. There used to be a pharmacy on the
11 ground floor back then but it's retail space on
12 the -- on the ground floor. And then there are
13 two floors above and each floor has four dwelling
14 units.

15 We were before the Board at that time. We
16 got approved. We prepared construction
17 documents. I believe permits were taken out.
18 Construction -- the repairs that needed to be
19 done, were done. I remember all this.

20 During the process paperwork was lost and
21 we're trying to get this squared away finally
22 before you once again.

23 The -- no condition is being altered from
24 the original application, with the exception that
25 we've added -- and pretty early on in the

1 process, perhaps in 2013/14, an emergency
2 generator. Because of the storms that we've had
3 and the nature of the pharmacy, the owner wanted
4 to keep power on.

5 You can see a picture of the generator.
6 It's in the rear yard.

7 The existing retail space, although no
8 longer a pharmacy -- it's empty at the moment --
9 but it is an existing retail space. No work to
10 be performed.

11 On the second floor we have four dwelling
12 units, I call them.

13 Apartment number 1, which is a one bedroom;
14 406 dwelling unit.

15 Apartment number 2, is a two bedroom; 521
16 square feet unit.

17 Apartment number 3, is a studio, which is
18 301.

19 And apartment number 4, is a one bedroom,
20 and it is 448.

21 Life safety items were repaired at that
22 time as part of the review of the Building
23 Department. They wanted us to put fire rated
24 self-closing doors; some additional lights in the
25 hallway; exit signs, that kind of thing. And

1 that was all done.

2 Apartment -- on the third floor, we have
3 the four additional apartments.

4 Apartment number 5 is a one bedroom; 406
5 square feet.

6 Apartment number 6 is a one -- is a two
7 bedroom -- I apologize; 521 square feet.

8 Apartment number 7 is a one bedroom; 350
9 square feet.

10 And Apartment number 8 is a one bedroom;
11 448 square feet.

12 The zoning table that I prepared is
13 actually the old one.

14 Become aware that your zoning has changed
15 in the last couple years, so I -- we took a copy
16 of the current, so that I can inform you on that.

17 It's in the CN zone, where all uses are
18 permitted.

19 The lot area that would be required for
20 this building would be 2500 square feet. We
21 actually have more; we have 3,290.

22 The lot width of the -- that is required is
23 25 feet and we have 35.

24 The lot depth would be a hundred. We have
25 91.3 feet.

1 The front yard, you're permitted zero and
2 we have 2.2.

3 The side yards would be either zero or
4 five, if you provide side yards. We have zero
5 and 0.4.

6 The rear yard required would be 20; we have
7 14.

8 You're allowed four stories and 45 feet.
9 We have three stories and approximately 35 feet.

10 The building coverage.

11 You're allowed to go up to 80 percent; we
12 have 77.

13 And the build--

14 I'm sorry. I'm -- dyslexia here.

15 The building coverage.

16 You're permitted 80 percent and we are 77.

17 The lot coverage.

18 You are permitted to be a hundred and we
19 are at a hundred.

20 You -- the zoning says that each building
21 shall have a maximum of three dwelling units. We
22 have eight dwelling units existing, although the
23 -- as counsel mentioned, the -- the Building
24 Department recognizes it as a four. And that's
25 the nature of why we're here.

1 We are not doing anything. The building
2 was repaired back in 2013 or thereabouts once we
3 got your approval and we did that work. Nothing
4 needs to be done. The building is in good
5 condition.

6 And we're, as I understand it, trying to
7 clear up a clerical -- the -- the file was lost.

8 That's about it.

9 CHAIRPERSON GRULLON: Thank you, Mr.
10 Valella.

11 You -- you want to bring your next witness?

12 MR. MULKAY: Sure.

13 CHAIRPERSON GRULLON: I see you have one
14 more witness.

15 MR. MULKAY: Ms. Hartmann?

16 MS. HARTMANN: Sure.

17 MR. MULKAY: Our next wit-- witness is our
18 planner, Jill Hartmann, who I believe has been
19 recognized by this Board as a professional
20 planner in the past.

21 MS. HARTMANN: Hi.

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 MS. HARTMANN: Yes.

1 MS. DILLON: Could you please state your
2 name and spell it for the record.

3 MS. HARTMANN: Jill Hartmann. It's H-A-R-
4 T-M-A-N-N.

5 MS. DILLON: Thank you.

6 MS. HARTMANN: You know what? I'm -- I'm
7 just not used to the -- the new normal as we say.

8 I have a series of photos that I -- I have.
9 I don't know if you want them or not. Because I
10 have my hands on them.

11 MR. PANEQUE: Mr. Mulkay?

12 MR. MULKAY: Is that all right?

13 MR. PANEQUE: Yeah.

14 We just have to have them marked.

15 MS. HARTMANN: Pardon me?

16 MR. PANEQUE: We have to have them marked.

17 MS. HARTMANN: Yes.

18 Thank you.

19 MS. DILLON: Is this one pack?

20 MR. MULKAY: I'll give you one to mark it
21 and -- (indiscernible) -- like these?

22 A-1 or --

23 MR. PANEQUE: Do you want to do them as --
24 are they stapled together?

25 MS. DILLON: They're stapled together.

1 MR. PANEQUE: We'll do as --

2 MS. DILLON: So A-1?

3 MR. PANEQUE: Yeah, as one exhibit.

4 Thank you.

5

6 (Whereupon, Series of (3) Photographs, was
7 received and marked as Exhibit A-1.)

8

9 MS. HARTMANN: The reason I'm giving you an
10 aerial is, I think it's important that you
11 know, --

12 Can you hear me?

13 CHAIRPERSON GRULLON: Yes. Yes.

14 MS. HARTMANN: The reason I'm giving -- I
15 have the aerial there and the arrows, there's a
16 small red dot from Google Maps in the middle that
17 shows you our -- our site.

18 And it shows you the public parking lots
19 that are located within one -- to the north is a
20 block and a half; and the other two are about two
21 and a half blocks away.

22 Don't think -- you know, just so you're
23 aware of how close public parking is for this
24 site.

25 The second page is a picture of the subject

1 site. The corner property is the property to the
2 north of the subject site. The subject site is
3 the -- the three story building that has the --
4 the dentil molding and -- and whatnot to it.

5 And then the third sheet is just to give
6 you a view looking north with the -- the subject
7 site to the left of -- of the neighborhood. I
8 know you all know it but it's always nice to have
9 a little reminder of -- of where everything is.

10 Oh, my goodness.

11 So -- so, as Orestes has said, the subject
12 site is an existing three story mixed use
13 building with two floors of -- of residences and
14 eight -- eight units; four units per floor.

15 It's located in the CN neighborhood,
16 commercial district, which permits mixed use
17 development but three -- now your Ordinance
18 requires or permits a maximum of three units.

19 The property itself, the surrounding
20 neighborhoods, as I said immediately to the north
21 on the corner on Bergenline Avenue is -- and 40th
22 Street is a three story mixed commercial and
23 residential building.

24 Immediately to the south is a one story
25 commercial building. And that's followed by a

1 series of a two story mixed commercial and
2 residential buildings that go down to 39th Street.

3 Across from the subject site, to both the
4 north and south, are a series of two story
5 commercial buildings with what appears to be
6 generally commercial retail on the ground floor
7 and offices on the second floor.

8 So the application itself is to legalize
9 one existing studio, one one bedroom unit on the
10 second floor, and while it shows as a one
11 bedroom, there is no door to -- to the second --
12 the second -- the third floor one bedroom, so it
13 could be a -- it could be recognized as a studio.
14 But two one bedroom units on the third floor.

15 The other four units are legal.

16 In addition, the applicant is requesting
17 approval for the emergency generator that's been
18 installed in the rear yard.

19 It meets the setback requirements of ten
20 feet from the property line, so there's no
21 variance required for that. And that's with
22 regards to the mechanical equipment notation that
23 you have on your -- your schedule of -- of bulk
24 requirements.

25 The existing floor plan.

1 Again, the ground floor is a commercial
2 use. The second floor has a studio of 301 square
3 feet. Two one bedroom apartments; each one
4 bedroom unit has a living room, dining room, a
5 kitchen, a one bedroom and a full bathroom and
6 they're 406 square feet and 448 square feet. And
7 then there's one two bedroom apartment with a
8 living room, dining room, kitchen combination,
9 two bedrooms, and one full bathroom at 521 square
10 feet.

11 And this is actually with the same
12 floorplan on the third floor, with the exception
13 of the one bedroom or studio on the third floor,
14 which has 350 square feet.

15 We're before you for a use variance because
16 the application proposes to legalize four
17 existing apartments in this mixed commercial and
18 residential building.

19 While it already has four existing
20 apartments, in the zoning ordinance which was
21 adopted in 2019, permits in the CN district only
22 three units. So, therefore, a use variance is
23 required.

24 The main issue with -- that we have to do
25 is we have to prove to you the positive and

1 negative criteria, plus -- plus also demonstrate
2 that the site is particularly suited for the
3 proposed use.

4 And based on the Larry Price case, the
5 Supreme Court has upheld the more general
6 understanding of particular suitability and
7 that's which requires that we demonstrate that
8 this particular property as developed for the
9 post-use serves the general welfare because its
10 location is particularly suited for this use.

11 And I would suggest to you that proposed
12 application does, in fact, promote the general
13 welfare and is particularly well suited for the
14 legalization of these small -- four small
15 apartments, making the subject site an eight unit
16 mixed commercial building.

17 It will, in fact, provide a housing type
18 that's characterized as small scale apartments
19 that are suitable for its surrounding
20 neighborhood and the environment. They've been
21 in place for over 20 years and have shown to be a
22 -- a source of housing that I believe is much
23 needed.

24 With regards to the special reasons, the
25 City of Union City its Reexamination report from

1 2019.

2 As far as the goals, I would put to you
3 that it helps preserve the character of this
4 community. That it provides a balance of land
5 use and balanced development patterns. That it
6 preserves -- preserves a character of the
7 surrounding neighborhood. It adds to providing a
8 broad range of housing choices. It encourages
9 the mixed use development in the commercial
10 corridors. And it preserves existing and
11 creating new housing opportunities to middle
12 income and working class families, while
13 balancing an opportunity to attract all market
14 types.

15 It, in fact, maintains the mixed commercial
16 and residential character of the neighborhood
17 along Bergenline Avenue, which consists of a
18 variety of two and three story mixed commercial
19 and residential buildings.

20 While not immediately adjacent to Union --
21 while immediate -- adjacent, Union City provides
22 public parking on 41st, just in from Bergenline
23 Avenue, which is approximately a block and a half
24 away, with approximately 88 spaces.

25 And it provides public parking on both the

1 north and south sides of 37th Street, which is a
2 couple of blocks away off of Bergenline Avenue
3 with 36 spaces in the north parking lot and
4 approximately 80 spaces in the southern parking
5 lot.

6 With regards to the municipal land use law,
7 I believe the following goals and objectives
8 support the variance.

9 And that is to encourage municipal action
10 to guide the appropriate use and development of
11 all lands in a matter that promotes health,
12 safety, morals, and general welfare.

13 To promote the establishment of -- of
14 appropriate population densities.

15 To provide sufficient space in appropriate
16 locations for a variety of recreational,
17 agricultural, residential and commercial uses.

18 And it also promotes the efficient use of
19 land.

20 The proposed legalization of these small
21 scale studios and one bedroom apartments provides
22 an additional form of multi-family housing
23 development and is consistent with the units that
24 typically utilize mass transit and that are
25 located in walkable communities.

1 Bergenline Avenue is a heavily walkable and
2 transit-friendly commercial corridor. The public
3 parking located within walking distance and the
4 anticipated small need for parking, it can be
5 accommodated in this way.

6 It's my opinion that the requested
7 variances can be granted -- or the use variance
8 can be granted without substantial detriment to
9 the public good and will not substantially impair
10 the intended purpose of your zone plan.

11 I did not consider, when I first started to
12 look at this, that there was a density variance
13 that's related to this but Mr. Spatz's report
14 notes that a density variance is needed. And I
15 believe that comes from the fact that your
16 ordinance is very specific, that it only permits
17 a maximum of three units; it's not -- it's not
18 based upon units per acre. So I couldn't give
19 you that.

20 So, I would just say the proposed increase
21 in the number of units, in fact, does require a
22 density variance in accordance with your planner
23 for the additional four units.

24 We have to demonstrate the positive and
25 negative criteria and we have to show that --

1 | that the proposed increase in density above the
2 | zoning restricts serve one or more purposes of
3 | the zoning -- excuse me -- zoning and is
4 | consistent with the overall goals of Municipal
5 | Land Use Law and the Master Plan. And that the
6 | applicant -- that the increased density itself
7 | will not have a detrimental effect on the
8 | neighborhood.

9 | It's my position that the things that I've
10 | just said to you, as well -- I can over them
11 | again but I believe that it's all intertwined in
12 | the fact that these units, in fact, meet the
13 | positive and negative criteria. And that the
14 | approval of these units, as they presently exist,
15 | will not have a detrimental impact on the
16 | surrounding neighborhood based upon the Municipal
17 | Land Use Law goals and objectives that I noted in
18 | the -- the municipal --

19 | I'm sorry.

20 | -- your municipal Master Plan.

21 | So what we have with regards to the C
22 | variances, the existing building has a few
23 | preexisting nonconforming conditions.

24 | Lot depth is required to be at a hundred
25 | feet. We're at 91.3 feet. That's an existing

1 nonconforming condition.

2 Rear yard is required to be 20 feet. We
3 have 14 feet.

4 And the unit sizes we don't comply.

5 I know I think it's 400 square feet. I
6 couldn't find it.

7 MS. PURDOM: It is. Yes.

8 MS. HARTMANN: I know it's somewhere in
9 your ordinance. I looked. I looked. David told
10 me. I believe him.

11 MS. PURDOM: Yes. I can tell you where it
12 is, actually.

13 It's 11I (12), in the Design Standards.

14 MS. HARTMANN: Ah. Okay.

15 MS. PURDOM: Yes.

16 MS. HARTMANN: All right.

17 So --

18 MS. PURDOM: Took me a minute as well.

19 MS. HARTMANN: So these are preexisting
20 conditions, however, that will not be impacted or
21 changed or increased as a result of the
22 application, except I would say to you for the
23 four -- the four units that are existing. But
24 the four new units are all under that 400, so we
25 would need a variance from that.

1 With regards to off-street parking, the
2 residential development requires 15 parking
3 spaces. And because the site is greater than
4 2500 square feet, the commercial use is required
5 to have parking. And that would be an additional
6 seven spaces, for a total of 22 spaces.

7 Consistent with the general development
8 along Bergenline Avenue corridor, on-street meter
9 parking is provided on both sides of the street,
10 so there's limited off-street parking provided.

11 Further, the ordinance notes that no
12 off-street parking spaces shall be required for
13 newly constructed non-residential uses on lots
14 fronting on Bergenline Avenue.

15 I know that this is not a new one but I'm
16 just noting that your ordinance recognizes the
17 use of on-street parking for commercial uses.

18 And, again, while not immediately adjacent
19 to the site, Union City provides public parking
20 to the tune of, you know, almost 150 parking
21 spaces within a three block radius.

22 So these ordinance, it's my opinion,
23 mitigate the parking -- mitigate the off-street
24 parking requirements for both the commercial and
25 the residential uses.

1 And, given the size of the units, the small
2 scale of them, they really lend themselves to
3 people who don't use -- have cars but use mass
4 transit. And, again, if you have a car, there is
5 public parking.

6 Again, with regards to the C variances, we
7 need to demonstrate the positive and negative
8 criteria.

9 And I would put to you again that it --
10 that this helps preserve the character of the
11 surrounding community. The building is well
12 maintained. It's got a historical -- you know,
13 it really has an old historical fenestration to
14 it.

15 It preserves the character of the
16 neighborhood. It's not changing anything that's
17 been there for more than 20 years.

18 It provides a broad range of housing
19 choices. It adds a choice for people who live in
20 this community.

21 It continues to encourage mixed use
22 development in the commercial corridors. And I
23 would say that it maintains the -- again, the
24 mixed commercial and residential character of
25 this area -- of Bergenline Avenue, where it has a

1 | variety of two and three stories mixed use
2 | buildings.

3 | And that really -- I have the same
4 | Municipal Land Use Law goals and objectives, so
5 | that I would just say that the proposed
6 | legalization of this small scale two studio and
7 | two bedroom units -- two one bedroom units,
8 | provides again an additional form of multi-family
9 | development that's consistent with unit types
10 | that typically use mass transit, don't require
11 | cars, walk to work. And -- and this street is a
12 | highly walkable and transit friendly commercial
13 | corridor.

14 | So I would -- I would put to you that it --
15 | it -- as far as the negative criteria's concerned
16 | that these -- this variance can be granted
17 | without substantial detriment to the public good,
18 | nor will have any substantial impact on your
19 | Zoning Ordinance or the Master Plan.

20 | That's it.

21 | CHAIRPERSON GRULLON: Thank you very much.

22 | That concludes your presentation?

23 | MR. MULKAY: It does.

24 | CHAIRPERSON GRULLON: Okay.

25 | I just want to direct -- going to direct my

1 question to you and maybe they can answer it.

2 The application in front of us is to
3 legalize four apartments?

4 MR. MULKAY: Correct.

5 CHAIRPERSON GRULLON: And, as you
6 mentioned, you --

7 MR. MULKAY: And -- and the -- and the
8 generator in the back.

9 CHAIRPERSON GRULLON: And the generator.

10 MR. MULKAY: Even though no variance is
11 required, Sal asked that we present --

12 CHAIRPERSON GRULLON: And that --

13 MR. MULKAY: -- it to you.

14 CHAIRPERSON GRULLON: I was going to ask
15 that.

16 Can someone cover a little bit about the
17 generator?

18 MR. MULKAY: There -- there's no -- I
19 believe -- Jill, did --

20 MS. HARTMANN: Yes, the generator's located
21 in the rear yard. And from -- I would look at
22 this as mechanical equipment.

23 CHAIRPERSON GRULLON: Yes.

24 MS. HARTMANN: I couldn't find anything
25 with regards to accessory structures.

1 CHAIRPERSON GRULLON: But I mean -- I -- I
2 heard that you mention that you got permits to
3 install it?

4 MR. MULKAY: Yes, with the generator we had
5 permits.

6 CHAIRPERSON GRULLON: And when was
7 installed?

8 MR. MULKAY: I'm sorry?

9 CHAIRPERSON GRULLON: When was the
10 generator installed?

11 MR. MULKAY: 2013?

12 A VOICE: Yes.

13 CHAIRPERSON GRULLON: Okay.

14 MR. MULKAY: 2013.

15 CHAIRPERSON GRULLON: After the previous
16 approval?

17 MR. MULKAY: After -- it was after the
18 previous approval, yes. It was installed after
19 the previous approval. That's why it wasn't part
20 of the application at that time.

21 CHAIRPERSON GRULLON: Okay.

22 And --

23 MR. MULKAY: But -- but we don't need --
24 just for the record, we don't need variance
25 approval for the installation of the generator.

1 Just because it was added, Sal requested that we
2 include it in our application.

3 CHAIRPERSON GRULLON: Okay. I see.

4 See another question that I have, I know
5 that -- it was probably required at that time,
6 you know, parking on-site. But now, on
7 Bergenline Avenue, parking is not required. We -
8 - the new ordinance call for apartments on top
9 and business on the ground floor -- you know,
10 business on the ground floor. And even though if
11 you were to provide parking, we will not approve
12 that because we don't want any curb cuts on
13 Bergenline Avenue, just -- just for the record.

14 MR. MULKAY: Understood.

15 CHAIRPERSON GRULLON: Because I -- I know
16 that, according to your -- to your table,
17 you're --

18 MR. MULKAY: Right.

19 CHAIRPERSON GRULLON: -- requiring for a
20 variance for 22 parking spaces.

21 VICE CHAIRPERSON GUTIERREZ: Um-hum.

22 CHAIRPERSON GRULLON: Okay.

23 MR. MULKAY: Correct. It's --

24 CHAIRPERSON GRULLON: Okay.

25 MR. MULKAY: Are you making a comment or

1 | you're asking a question?

2 | CHAIRPERSON GRULLON: I'm just making a
3 | comment on that.

4 | MR. MULKAY: Okay.

5 | CHAIRPERSON GRULLON: Okay.

6 | MR. MULKAY: Okay.

7 | CHAIRPERSON GRULLON: No, no.

8 | MR. MULKAY: Understood.

9 | CHAIRPERSON GRULLON: I just want to --

10 | MR. MULKAY: I -- I --

11 | CHAIRPERSON GRULLON: -- put that on the --

12 | MR. MULKAY: -- I agree with what you just
13 | said.

14 | CHAIRPERSON GRULLON: -- record that
15 | even --

16 | MR. MULKAY: Yes.

17 | CHAIRPERSON GRULLON: -- if you decide
18 | to --

19 | MR. MULKAY: Right.

20 | CHAIRPERSON GRULLON: -- request for --

21 | MR. MULKAY: They wouldn't provide it.

22 | CHAIRPERSON GRULLON: -- parking, --

23 | MR. MULKAY: Correct.

24 | CHAIRPERSON GRULLON: -- in Bergenline
25 | Avenue it's not permitted --

1 MR. MULKAY: Correct.

2 CHAIRPERSON GRULLON: -- the -- after the
3 zoning -- the zoning changes in 2013.

4 That -- and another thing that I want to
5 say is that all these safety requirements, were
6 they addressed, you know, I heard that Mr.
7 Valella mention fire rating walls. Did they --
8 did they address that on the previous resolution
9 -- on the previous approval?

10 MR. VALELLA: Yes.

11 Once we got approved, -- I'm going by
12 memory but once we got approved, we reviewed the
13 plans with the Building Department and they
14 requested a series of things. Fire rated doors
15 and lights and emergency lights. So all that
16 work was done. Yes.

17 CHAIRPERSON GRULLON: So that means there
18 is no --

19 MR. VALELLA: There shouldn't be any --

20 CHAIRPERSON GRULLON: -- additional work
21 that you need to do --

22 MR. VALELLA: No, there's --

23 CHAIRPERSON GRULLON: -- in the building?

24 MR. VALELLA: -- no additional work to be
25 done.

1 MR. MULKAY: So just -- just by way of
2 background.

3 Your Resolution, I think -- I believe I
4 provided a copy to you but your Resolution always
5 requires that we comply --

6 CHAIRPERSON GRULLON: I was looking for
7 that.

8 MR. MULKAY: -- with the Building
9 Department requirements.

10 We provided a copy with it but I could pull
11 a copy quickly.

12 Typically requires that we comply with the
13 Building Department requirements and they imposed
14 all those requirements as part of their review
15 process.

16 MR. PANEQUE: The Resolution Mr. Vallejo --

17 CHAIRPERSON GRULLON: Any member of the --

18 MR. MULKAY: If I could, it's the --

19 CHAIRPERSON GRULLON: -- Board have any
20 questions?

21 MR. MULKAY: -- it's the last page -- it's
22 the last page of the --

23 Do you have a copy of the Resolution?

24 CHAIRPERSON GRULLON: I -- I just got it.

25 MR. MULKAY: It's the last page, the very

1 | last paragraph in the Resolution requires that he
2 | comply with all the zoning ordinances, building
3 | codes, health codes, and any other applicable --
4 | (indiscernible) -- regulations.

5 | So the Building Department looked at it at
6 | the time and I believe requested some changes
7 | that the architect took -- that the architect had
8 | just testified -- Mr. Valella had just testified
9 | were actually done already.

10 | And I don't believe --

11 | Mr. Valella, has -- has it changed that it
12 | requires additional -- have there been changes in
13 | the Building Code that requires additional work?

14 | MR. VALELLA: No, not that I'm aware of.

15 | MR. MULKAY: Okay.

16 | Thank you.

17 | Tom, I have a copy if you want.

18 | MR. PANEQUE: I have it.

19 | CHAIRPERSON GRULLON: I can't find it.

20 | It was not --

21 | MR. PANEQUE: Here.

22 | Should be at the last paragraph.

23 | MR. MULKAY: The last paragraph.

24 | CHAIRPERSON GRULLON: And the last -- my
25 | last question is at that time, when you were

1 making changes on the apartments, you know, --

2 MR. MULKAY: The --

3 CHAIRPERSON GRULLON: -- on the -- under
4 this --

5 MR. MULKAY: Correct.

6 CHAIRPERSON GRULLON: -- Resolution, the
7 size of the apartment was the same?

8 This is a preexisting condition?

9 MR. VALELLA: Yes.

10 When we came before you, these are the same
11 layouts. We weren't -- they were not altered.

12 CHAIRPERSON GRULLON: Okay.

13 There was eight apartment the last time?

14 MR. VALELLA: Eight apartments.

15 Exactly how they are now is how you
16 approved them back then and how they are today.

17 CHAIRPERSON GRULLON: Okay.

18 MR. MULKAY: So the -- so the changes were
19 more akin to fire exit signs, to fire rated
20 doors, to fire rating some of the walls?

21 MR. VALELLA: Yes.

22 MR. MULKAY: So there were no modifications
23 as to the size of the bedrooms, the size of the
24 apartments or anything?

25 MR. VALELLA: No changes to the layouts

1 | were required.

2 | CHAIRPERSON GRULLON: All right. No
3 | problem.

4 | I don't have any more questions.

5 | You have any questions?

6 | Okay.

7 | Any member of the public want to step
8 | forward?

9 | Hear none.

10 | Taking into consideration that this
11 | application was already approved, we're just
12 | trying to clarify the documents here, I will make
13 | a motion to grant this application.

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

16 | VICE CHAIRPERSON GUTIERREZ: I'm seconding.

17 | THE SECRETARY: Seconded by Ms. Gutierrez.

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

20 | Mr. Grullon?

21 | CHAIRPERSON GRULLON: Yes.

22 | THE SECRETARY: Ms. Gutierrez?

23 | VICE CHAIRPERSON GUTIERREZ: Yes.

24 | THE SECRETARY: Mr. Medina?

25 | MR. MEDINA: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Ms. -- Ms. Perez?

4 MS. PEREZ: Yes.

5 THE SECRETARY: Mr. Cetinich?

6 MR. CETINICH: Yes.

7 THE SECRETARY: Six in favor.

8 Motion carries.

9 MR. VALELLA: Thank you.

10 MR. MULKAY: Thank you.

11 THE SECRETARY: Thank you.

12 CHAIRPERSON GRULLON: Thank you.

13 Thank you.

14 MR. MULKAY: Thank you, Mr. Chairman.

15 Thank you.

16

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

19 * * *

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1 **La Q Realty, LLC -**

2 **707 22nd Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, La Q Realty LLC, 707 22nd
6 Street.

7 Mr. Lopez, please?

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

10 I have an affidavit of service, signed by
11 Mr. Adolfo Lopez, indicating that notice of
12 tonight's hearing with respect to the property at
13 707 22nd Street, was sent to all property owners
14 within a 200 foot radius, as well as published in
15 the local newspaper.

16 I have a copy of the affidavit of
17 publication from The Jersey Journal. Said
18 affidavit indicates that notice of today's
19 hearing will be heard today at the Union City
20 High School location with respect to the property
21 in question.

22 I have a copy of the notice that was sent
23 out to all property owners within the 200 foot
24 radius. It states that notice will be heard
25 today, the 8th of April, at six o'clock, at this

1 location, Union City High School, with respect to
2 the property at 707 22nd Street. The applicant
3 will seek the variances necessary for the
4 proposed project.

5 And I have the certified mail receipts with
6 a postmark date of March 23rd, 2021.

7 Based on the information that has been
8 provided, this Board has jurisdiction to proceed
9 and hear this matter.

10 Mr. Lopez, you have a copy of the tax
11 assessor's list?

12 MR. LOPEZ: It was --

13 MR. PANEQUE: Was that provided?

14 MR. LOPEZ: -- submitted to Mr. Vallejo.

15 MR. PANEQUE: Okay.

16 We'll confirm that. That's the only other
17 document that's got to be included here.

18 May I see it just so I can have it on the
19 record?

20 Thank you.

21 CHAIRPERSON GRULLON: Everything on record.

22 MR. PANEQUE: Yes.

23 No, the --

24 MR. LOPEZ: No.

25 MR. PANEQUE: -- the tax assessor's list,

1 Mr. Vallejo.

2 THE SECRETARY: Oh, tax assessor list?

3 MR. PANEQUE: Yes.

4 THE SECRETARY: Oh, let me see.

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

7 MR. PANEQUE: Thank you.

8 Just to supplement the -- what was placed
9 on the record, I have now been provided with a
10 copy of the tax assessor's list indicating all
11 property owners within the 200 foot radius of the
12 property that has come before this Board on this
13 application.

14 Thank you, Mr. Vallejo.

15 Thank you, Mr. Lopez.

16 MR. LOPEZ: Thank you, Mr. Paneque.

17 If I may proceed?

18 Mr. Chairman, members of the Board, good
19 evening.

20 This is an application for a use variance
21 and some -- some minor bulk variances for this
22 property.

23 It is -- just to give you some background,
24 it's -- it's quite an unusual property and
25 probably completely out of place where it's

1 | located now. It is on 22nd Street, between Summit
2 | and Central Avenue.

3 | It is a property that has a long history of
4 | many different types of commercial uses. And,
5 | again, totally out of place.

6 | At one point, as you can see from the
7 | photographs that have been submitted, there's
8 | even a loading dock right in the middle of the
9 | block on 22nd Street.

10 | It had been used as a warehouse, as a
11 | grocery store, as -- we think, as a metal
12 | fabrication shop. It's been used for everything,
13 | except what it should be used for.

14 | The proposal is for -- to remove all of
15 | those uses and return it strictly to residential
16 | use. There are no expansions at all. All of the
17 | work is within the existing building.

18 | As my expert this evening, as -- as
19 | architect and planner, I have Mr. Jose Izquierdo.

20 | And, Mr. Paneque, Mr. Izquierdo has
21 | testified many, many times before this Board.
22 | I'd ask that he be accepted as an expert witness.

23 | CHAIRPERSON GRULLON: Yes.

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. IZQUIERDO: Yes, I do.

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

5 MR. IZQUIERDO: My name is Jose Izquierdo,
6 New Jersey Architect 09143, New Jersey Planner
7 03385.

8 MR. LOPEZ: And, Mr. Izquierdo, you are
9 familiar with this site and you prepared the
10 plans that have been submitted to the Board for
11 consideration this evening.

12 Is that correct?

13 MR. IZQUIERDO: Yes, it is.

14 MR. LOPEZ: Can you please describe the
15 intent of this project?

16 MR. IZQUIERDO: Good evening, members of
17 the Board.

18 The Zoning Board gains jurisdiction of this
19 application because this -- this is a straight
20 use variance. The applicant is creating a use
21 that is not allowed by zoning, by the revised
22 zoning of July, 2019.

23 The applicant is intending to have a four
24 family house.

25 Of all the uses that counselor was

1 describing, I will take it from the last use that
2 I believe was that building, which was a
3 warehouse with a bodega in the front and it had
4 like a loading dock for the bodega and an
5 apartment up on the top.

6 The building is very large because the site
7 is oversized. It's -- it's a lot that is like 47
8 feet facing 22nd Street and it becomes a flag lot;
9 it's very big in the back. And it's a big
10 building. Actually, that building has 3,040
11 square feet.

12 So, we have an apartment on the second
13 floor and that is where the owner lives right
14 now.

15 The owner and his father intend to occupy
16 this four family house and essentially renovate
17 the interior of the warehouse into three units.

18 And why three units and not two to make it
19 a three family house that -- that would conform
20 to zoning? Because the ground floor is huge.
21 It's 3,000 square feet. And we would end up with
22 a lot more bedrooms than we're proposing.

23 So, there's a lot of positive criteria
24 associated with creating a four family house in
25 this location, as opposed to a three family

1 house.

2 A four family house is a more expensive
3 type of construction because it -- everything has
4 to be accessible.

5 In this specific case, all the units that
6 are being constructed, the three units on the
7 ground floor are all accessible.

8 In addition to that, the building is going
9 to be smaller. We're demolishing that loading
10 dock and all that silliness that we have in the
11 front that doesn't conform to 22nd Street right
12 now.

13 At the time that this building was a bodega
14 and it was a warehouse with the house and
15 everything, well it kind of like fit into the
16 neighborhood at that time. It doesn't anymore.

17 The bodega is not a -- a profitable
18 business in that -- in that section. The loading
19 dock is not any -- it's not anything that I can
20 call more or less than a nuisance. It's just an
21 obstruction in the middle of 22nd Street.

22 So what the applicant is going to do, he's
23 going to demolish the entire front of the
24 building and he's going to create two parking
25 spaces. Actually, both are accessible to the

1 handicap. One parking space is going to be
2 assigned for the handicap and the other is going
3 to be a regular parking space.

4 MR. LOPEZ: Mr. Izquierdo, let me interrupt
5 you for one second.

6 You -- is it -- is what the applicant's
7 proposing to do shown on the second page of your
8 plans, in terms of --

9 MR. IZQUIERDO: Yes.

10 MR. LOPEZ: -- the front of the house?

11 MR. IZQUIERDO: Yes.

12 MR. LOPEZ: And can you please explain what
13 is that brick wall that we see immediately to the
14 left.

15 MR. IZQUIERDO: Okay.

16 MR. LOPEZ: That's not visible from the
17 street.

18 Correct?

19 MR. IZQUIERDO: No.

20 From the street, what anybody sees, is the
21 27 foot wide lot.

22 MR. PANEQUE: Mr. Izquierdo, Mr. Lopez made
23 reference to a set of photographs.

24 VICE CHAIRPERSON GRULLON: We don't have
25 that.

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

2 MR. LOPEZ: We --

3 MR. IZQUIERDO: No, to the plan.

4 MR. LOPEZ: -- we submit --

5 I'm sorry.

6 MR. PANEQUE: Yeah.

7 VICE CHAIRPERSON GUTIERREZ: No, we don't
8 have them.

9 MR. MEDINA: Don't have them.

10 MR. LOPEZ: We submitted photographs, as is
11 required, --

12 MR. PANEQUE: Okay.

13 Can we mark those? They're not part of
14 this --

15 MR. LOPEZ: Certainly. I --

16 MR. PANEQUE: -- packet.

17 VICE CHAIRPERSON GUTIERREZ: Not in here.

18 MR. PANEQUE: Just so that the Board
19 knows --

20 MR. LOPEZ: Oh, you're okay with it?

21 MR. PANEQUE: Yeah.

22 I don't know if Mr. Vallejo has extra
23 copies or --

24 If not, we can mark those and --

25 MR. LOPEZ: The same ones. Sure.

1 CHAIRPERSON GRULLON: You have it?

2 THE SECRETARY: Mr. Paneque, the pictures.

3 MR. PANEQUE: Thank you, sir.

4 We have them now.

5 Thank you.

6 MR. LOPEZ: Yeah.

7 Thank you.

8 Thank you.

9 And, Mr. Izquierdo again, before you get
10 into more specifics, you -- I believe you have a
11 survey of this property.

12 MR. IZQUIERDO: I do.

13 MR. LOPEZ: Could you please go over --
14 over the survey with the Board and explain what
15 the layout of this lot is?

16 MR. IZQUIERDO: Very well.

17 I'll stand next to the microphone because
18 the young lady over here doesn't allow me to get
19 too far from the microphone.

20 MS. DILLON: No.

21 MR. IZQUIERDO: I know.

22 So this is 22nd Street. That's on top of
23 the page. And we have 27 -- 26.03 feet. All
24 that front of the building, all that concrete
25 structure, is all going down.

1 We're demolishing all that and we're
2 creating the access to the building, which is
3 really very, very --

4 It's not very nice right now. We're going
5 to make it very nice, a nice stair and
6 everything, and then we're going to have the two
7 parking spaces with the regulatory statutory
8 space for accessibility.

9 The building is an existing one story brick
10 building. It's all a brick building, one story,
11 that has high ceiling like 14 feet or so high.
12 Not enough for a mezzanine or anything but just
13 enough to have like a nice loft or so.

14 So, as I was saying, we have 3,040 square
15 feet here. The best use, which used to be what
16 Municipal Land Use Law was the standard, for this
17 property is to have the three units on the ground
18 floor with the parking spaces.

19 MR. LOPEZ: And, Mr. Izquierdo, that -- the
20 -- the L at the bottom of that survey, --

21 MR. IZQUIERDO: That's the flag lot.

22 MR. LOPEZ: And that is all behind the
23 other house that we see on the photograph.

24 Right?

25 MR. IZQUIERDO: Exactly.

1 Exactly. But the nice thing about the
2 project is when we demolish all that thing in the
3 front, our house is going to align with the house
4 on the side, which Mr. Lopez just referred to, as
5 well as the -- the house to our west.

6 So the house to our east is the one that
7 way in the past this owner bought the rear yard
8 of the other guy, created a flag shape lot, and
9 this lot is undersized and ours is oversized.

10 MR. LOPEZ: What material are you proposing
11 for the front of the -- of the new house that's
12 being created?

13 MR. IZQUIERDO: I don't have a new house.

14 MR. LOPEZ: No.

15 MR. IZQUIERDO: I'm demolishing part of the
16 building. In any event the front is going to be
17 brick.

18 MR. LOPEZ: The front façade of the new --

19 MR. IZQUIERDO: Yeah, the front façade is
20 going to be brick. The -- the Board, I know,
21 likes brick and -- and the ground floor is all
22 brick anyway right now.

23 MR. LOPEZ: Okay.

24 MR. IZQUIERDO: In order to approve this
25 project the Board needs to grant three variances;

1 the use variance and then the side yard, the rear
2 yard, and the parking.

3 All of them are existing variances. The --
4 the applicant is really not creating any
5 variance, other than the use variance.

6 However, I bring attention to the parking
7 requirements. That for the existing condition
8 we're required to have a total of 12 parking
9 spaces. And for the proposed, the four
10 apartments, we're required to have seven parking
11 spaces.

12 So we're reducing a deficiency. Right now
13 we have zero. So we need -- we're short of 12
14 and we're going to be short five.

15 I think that meets also the special reasons
16 for this property, we're -- we're conserving to
17 energy and conservation code because we're not
18 demolishing this structure and creating more
19 garbage in our landfills. None of that. We're
20 just renovating an existing structure and not
21 disturbing anybody.

22 I don't have anything further.

23 MR. LOPEZ: Briefly go over other positive
24 and negative criteria that you have associated
25 with this project.

1 MR. IZQUIERDO: Very well.

2 Twenty-second Street is a street that has
3 not seen a lot of the development that other
4 parts of the City has seen.

5 I believe the Altessa was the last and
6 biggest project that was done and they
7 transferred 22nd Street so close to the High
8 School and whatnot.

9 Creating those accessible apartments on --
10 those accessible units on the ground floor, this
11 being all rental, will provide the applicant with
12 a good space for his father, who's a -- who's an
13 elderly person now and will retire this property
14 and will provide the applicant and his father
15 with two rental units. That leads to a stable
16 capital base for the maintenance of the building.

17 The problem with the building right now and
18 the reason that it's in disrepair is that the
19 building doesn't generate any income. And in
20 order to have stable -- stable buildings and
21 stable neighborhoods, we have to have buildings
22 that generate some sort of income when it -- they
23 become income producing properties.

24 It's going to be owner occupied and at the
25 end of the day it's going to be a four family

1 with two units occupied by the owner.

2 The application also provides parking and
3 has the aesthetic and it's also conforming to the
4 energy code and all the conservation code and the
5 -- the whole reason for not demolishing and
6 creating anymore garbage in the State of New
7 Jersey.

8 MR. LOPEZ: And, Mr. Izquierdo, the
9 Building Code would require that this property be
10 fully sprinklered.

11 Is that correct?

12 MR. IZQUIERDO: Yes.

13 MR. LOPEZ: And this would, in fact, all
14 units would be sprinklered if the project is
15 approved?

16 MR. IZQUIERDO: Yeah.

17 Actually, we already have the water
18 sprinkler line ready. We're ready to go with the
19 sprinkler, yes. We have a sprinkler system; it's
20 just not connected.

21 But, yes, we're required to be sprinklered.

22 MR. LOPEZ: Okay.

23 I have nothing else as far as a
24 presentation. I would urge you to approve it.
25 It's -- what's there now just doesn't fit the

1 neighborhood.

2 This is a residential neighborhood;
3 strictly residential. And what is there now is
4 -- is a building from a different time and a
5 different place, when Union City had embroidery,
6 sewing factories, mixed in with the residential.
7 That's not the state of affairs nowadays and this
8 is a much better fit.

9 And I would urge you to approve it.

10 MR. IZQUIERDO: And we're removing three
11 nuisances.

12 We're removing the loading dock, which is
13 an eyesore.

14 We're removing that stupid warehouse that
15 nobody wants it there because who wants 3,000
16 square feet there as a warehouse in that
17 neighborhood.

18 And then also the bodega and the whole
19 thing -- no parking, it's -- it's a nuisance.

20 CHAIRPERSON GRULLON: Mr. Lopez, I agree
21 that you're -- you're proposing to remove a
22 nonconforming use and creating residential units
23 for the neighborhood, which is something that the
24 City needs.

25 But I just have one concern with this

1 application. This sidewalk was just -- you know,
2 just made by the City and it looks -- it looks
3 fantastic.

4 I don't see -- I mean I -- I can't see you
5 doing -- removing the lights, removing the trees,
6 to create a curb cut there. And also, to remove
7 parking from the residents.

8 MR. LOPEZ: Well, we are --

9 CHAIRPERSON GRULLON: It's a -- it's a very
10 dense area, as you know.

11 MR. LOPEZ: It is.

12 CHAIRPERSON GRULLON: It's very difficult
13 to find parking.

14 In my opinion -- and I know that you have
15 the right to present and say what you want -- I
16 will prefer to see this without proposing for
17 parking.

18 MR. IZQUIERDO: Mr. Grullon, I agree with
19 you. The sidewalks that the City has built are
20 absolutely gorgeous.

21 They did the one on 35th Street, which is
22 the street of the brick pavers and then the
23 concrete; very nice.

24 If the Board so desires, we will demolish
25 the building and my drawings, like the one for

1 35th Street, will show that that -- that sidewalk
2 will be completely protected with three-quarter
3 inch plywood and the owner will guarantee that
4 that sidewalk will be exactly the same.

5 I don't need to cut the sidewalk for water.
6 I have a water sprinkler line. I don't need to
7 repave 22nd Street. I don't need gas service. I
8 don't need to touch that -- that sidewalk at all.

9 So if the Board so desires and it so
10 pleases them, I can guarantee to the Board that
11 that's not going to happen. I've been doing this
12 many years in the City.

13 CHAIRPERSON GRULLON: Go ahead, Mr. Lopez.

14 MR. LOPEZ: Mr. Grullon, --

15 CHAIRPERSON GRULLON: Yes.

16 MR. LOPEZ: -- we certainly would accept
17 your approval. We have -- your proposal. We
18 have no problem with that.

19 As an addition, Mr. Izquierdo is correct,
20 the removal of the loading dock is on -- strictly
21 on the client's property, so we would not touch
22 the sidewalk at all as part of the construction.

23 So, if you --

24 MR. IZQUIERDO: And put a beautiful garden.

25 MR. LOPEZ: -- if you -- if your

1 recommendation is that we do do this without
2 parking, we certainly would accept your
3 recommendation.

4 But, in addition, the sidewalk would not be
5 touched as part of the construction.

6 CHAIRPERSON GRULLON: Yes, as you can see,
7 it's not just the sidewalk. You have trees
8 there.

9 MR. LOPEZ: Yes.

10 CHAIRPERSON GRULLON: Lighting in front of
11 the property.

12 MR. LOPEZ: And we have a light.

13 CHAIRPERSON GRULLON: And -- and a light
14 pole that --

15 MR. LOPEZ: Obviously, --

16 CHAIRPERSON GRULLON: -- that space very
17 much needed for the -- for the neighborhood.

18 MR. LOPEZ: Understood.

19 CHAIRPERSON GRULLON: Yes.

20 MR. LOPEZ: My client's proposal would
21 have, obviously, rebuilt everything and there are
22 regulations that require you to use special
23 contractors for sidewalks but we certainly accept
24 your represent -- your recommendation.

25 CHAIRPERSON GRULLON: I mean just want to

1 | hear from the other member of the -- of the
2 | Board, if you have any questions in regard to
3 | this application?

4 | MR. MEDINA: Yeah, I have a question.

5 | Yeah, so I have a question.

6 | So on the premise, it's a -- it's a bodega.

7 | Right?

8 | And next to is what -- house. It's a --
9 | it's a like --

10 | What is it next -- next to the -- to the
11 | bodega?

12 | MR. IZQUIERDO: You mean my neighbor?

13 | MR. MEDINA: In the front. In the front of
14 | the house.

15 | MR. IZQUIERDO: My neighbor?

16 | No.

17 | MR. MEDINA: No, this.

18 | MR. IZQUIERDO: No, the building.

19 | The building has three levels. Three
20 | levels.

21 | MR. MEDINA: Yeah.

22 | MR. IZQUIERDO: Forget the second floor.
23 | That's a fourth level.

24 | MR. MEDINA: All right.

25 | MR. IZQUIERDO: So the loading dock was

1 built intermediate higher than the warehouse.

2 Okay?

3 So the loading dock is that concrete piece
4 of -- of stump that is there that we need to
5 remove. So that, at that intermediate level.

6 What is to the right of that loading dock,
7 which is I believe your question, it's like a set
8 of I don't know how many stairs. It's just
9 imposing. You need to go all these stairs to get
10 up to the higher elevation and then you have to
11 go down to the higher elevation. It's just --
12 it's just crazy.

13 So all of that has to be removed. And as
14 Mr. Grullon indicated, we're not going to have
15 anything. We're going to have like a garden, a
16 fountain, or something like that.

17 And then our application would have to be
18 modified because then I would be needing a -- a
19 variance for seven parking spaces and not only
20 five.

21 MR. MEDINA: Excuse me, but correct me
22 maybe if I'm wrong.

23 But I want to make sure that what I see --

24 I don't have the picture exactly of the
25 house but I want to see --

1 CHAIRPERSON GRULLON: Here. Here.

2 MS. PEREZ: Yeah, this is --

3 CHAIRPERSON GRULLON: Here's the picture.

4 MR. MEDINA: Okay, I see some --

5 Excuse me.

6 Okay. This is it.

7 Right?

8 MR. PANEQUE: This is it.

9 MR. MEDINA: Okay.

10 MR. PANEQUE: They were going to make --
11 let me show you here.

12 VICE CHAIRPERSON GUTIERREZ:

13 (Indiscernible).

14 MR. PANEQUE: Give us --

15 CHAIRPERSON GRULLON: And you said,
16 Izquierdo, typically --

17 MR. PANEQUE: Debbie?

18 CHAIRPERSON GRULLON: -- you don't see
19 us --

20 VICE CHAIRPERSON GUTIERREZ: Give us a few
21 minutes.

22 CHAIRPERSON GRULLON: -- you know asking
23 you not -- not to --

24 VICE CHAIRPERSON GUTIERREZ: Debbie?

25 MR. MEDINA: Yeah, this is what --

1 CHAIRPERSON GRULLON: You don't see us
2 asking you not to provide parking?

3 MR. MEDINA: -- I'm trying to say.

4 MR. LOPEZ: Hold it. Hold it. Hold it.

5 VICE CHAIRPERSON GUTIERREZ: Give us a few
6 minutes.

7 MR. MEDINA: So this is the warehouse --

8 MS. DILLON: Wait, wait, wait, hold --

9 CHAIRPERSON GRULLON: We always want
10 parking.

11 MR. MEDINA: -- I mean the -- the store.

12 MS. DILLON: -- hold on. Hold on.

13 MR. IZQUIERDO: I understand.

14 CHAIRPERSON GRULLON: But in this case, --

15 MR. PANEQUE: Yes.

16 MR. MEDINA: Bodega.

17 This is --

18 MR. LOPEZ: This is all off the record.

19 MR. IZQUIERDO: No, I understand 22nd
20 Street. I understand.

21 MR. PANEQUE: Debbie, off the record,
22 please.

23 MR. LOPEZ: Hold it. Hold it. Hold it.

24 MS. DILLON: Wait. Wait.

25 THE SECRETARY: One second please.

1 MR. LOPEZ: Wait. This is all off the
2 record.

3 MS. DILLON: Okay.

4 One moment.

5 MR. LOPEZ: Okay.

6

7 (Off the record at 7:10 p.m.)

8 (On the record at 7:12 p.m.)

9

10 MS. DILLON: On the record.

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

13 MR. LOPEZ: All right. Hold on.

14 We got to get back on the record.

15 MR. PANEQUE: On the record.

16 MR. MEDINA: Okay.

17 MS. DILLON: If you could begin again, Mr.
18 Medina.

19 MR. LOPEZ: Yeah.

20 MS. DILLON: I'm sorry.

21 MS. PEREZ: Say it again.

22 MR. MEDINA: Okay.

23 Well my question was, was -- what was
24 exactly on the front of the house?

25 Because I see bodega on the front. Okay.

1 And -- and the house in the back.

2 Right?

3 So, --

4 MR. IZQUIERDO: What you see in the house,
5 -- what you see in the front is not
6 representative; it's very misleading.

7 What's really happening right now, is when
8 you see on the right hand side -- and you can
9 correct me if I'm wrong, you have a bunch of
10 steps going up to that loading dock.

11 So the bodega, you would think that you
12 have a little bodega and then you have the
13 chewing gum and things --

14 No, no, no.

15 This is the -- the real -- bodega going up
16 like eight feet wide. It's a huge stair. It's a
17 -- it's -- it's a horrible waste of space. It's
18 just in the middle of anything. It has killed
19 these people that have been residents of Union
20 City for longer than they -- I -- I guess since
21 they got here from Cuba. You know?

22 So they have been here and this building is
23 not producing anything. And what's the problem?
24 It's the whole thing. The whole use is wrong.
25 It's just too big of a building.

1 And I think with the -- with the
2 recommendation that Mr. Grullon -- Council Member
3 Grullon has made, I believe that the -- the
4 project will be very nice for the -- for the
5 neighborhood.

6 MR. MEDINA: And at this moment, it's --
7 it's occupied, this house? The -- the house is
8 people living there?

9 MR. LOPEZ: Yes.

10 MR. IZQUIERDO: Yeah. That's it.

11 MR. MEDINA: Mmm.

12 MR. IZQUIERDO: Only people living there is
13 the -- everything else is --

14 You know, like they started putting a -- a
15 two by four because they wanted to put a platform
16 for this. And it's just -- just full of junk.

17 MR. LOPEZ: Only on the second floor.

18 MR. MEDINA: Only second floor.

19 And the first floor, --

20 MR. LOPEZ: The ground floor is --

21 MR. MEDINA: -- no. Okay.

22 MR. LOPEZ: -- completely vacant right now.

23 MR. IZQUIERDO: Yes.

24 MR. LOPEZ: If that is the Board's
25 suggestion, then what -- what I would say is let

1 us submit revised drawings. Because the front
2 will now look perhaps somewhat different.

3 VICE CHAIRPERSON GUTIERREZ: Um-hum.

4 MR. LOPEZ: If we are not doing parking,
5 then there's no reason to knock this down. Maybe
6 it can be revised --

7 MR. IZQUIERDO: And the zoning table --

8 MR. LOPEZ: -- or cutback somewhat.

9 MR. IZQUIERDO: -- has to be revised as
10 well.

11 MR. LOPEZ: Of course.

12 CHAIRPERSON GRULLON: I said that you were
13 going to be removing the bodega from there.

14 MR. LOPEZ: Absolutely.

15 CHAIRPERSON GRULLON: Yes.

16 MR. LOPEZ: No -- no change in terms of
17 use.

18 CHAIRPERSON GRULLON: Yes.

19 MR. LOPEZ: But the plans may look someone
20 different. Our --

21 CHAIRPERSON GRULLON: Yes.

22 MR. LOPEZ: -- rather than all the way to
23 the back, there would be now closer to the
24 sidewalk. And it's not fair to the Board not to
25 see what the revised plans look like.

1 CHAIRPERSON GRULLON: Sure.

2 And you know, Mr. Lopez, I want to thank
3 you for taking that in consideration. Also,
4 thank your clients for, you know, sacrificing and
5 making adjustments.

6 But that's the desire of the Board, in
7 order to continue making the City the way it is,
8 you know, with lighting and sidewalks and -- and
9 the parking situation for the residents who
10 continue, you know, improvement.

11 MR. LOPEZ: Very well.

12 CHAIRPERSON GRULLON: And --

13 MR. LOPEZ: We'll certainly accept and
14 we'll submit revised plans.

15 MR. IZQUIERDO: Yeah, Mr. Grullon, just --

16 MR. LOPEZ: If we could carry it?

17 MR. IZQUIERDO: -- for -- for your peace of
18 mind, I'm going to go back to the site. I'm
19 going to see how the City has done the -- the
20 sidewalk. I'm going to show how the existing
21 sidewalk is there with the trees and everything.
22 And I'm -- the -- the stair, everything, is going
23 to remain the same, not hav-- not having no curb
24 cut. And the drawings will also indicate that
25 the -- that we're not going to have any new

1 | utilities here.

2 | CHAIRPERSON GRULLON: Thank -- thank you,
3 | Mr. Izquierdo.

4 | In the process of the --

5 | MR. LOPEZ: So, Mr. Paneque, we would then
6 | ask for an adjournment to submit revised drawings
7 | before the next meeting.

8 | CHAIRPERSON GRULLON: Yes.

9 | MR. PANEQUE: Mr. Grullon, there's a
10 | request for an adjournment to --

11 | CHAIRPERSON GRULLON: Yes.

12 | MR. PANEQUE: -- submit revised drawings.

13 | CHAIRPERSON GRULLON: Yes, I make a motion
14 | to -- to accept the adjourn-- the adjournment to
15 | present revised plans in the next Board meeting
16 | on May 13.

17 | VICE CHAIRPERSON GUTIERREZ: And I'm
18 | seconding.

19 | THE SECRETARY: Motion on the --

20 | MR. MEDINA: Second.

21 | THE SECRETARY: -- table to adjourn this
22 | application by Mr. Grullon.

23 | MR. MEDINA: Second.

24 | THE SECRETARY: Seconded by?

25 | VICE CHAIRPERSON GUTIERREZ: Second.

1 THE SECRETARY: That was Mr. Medina.

2 Right?

3 MR. MEDINA: Yes.

4 VICE CHAIRPERSON GUTIERREZ: Yes.

5 THE SECRETARY: Roll call to adjourn this
6 application for May 13, 2021, same place, same
7 time, no new notice required.

8 Roll call on the motion.

9 Mr. Grullon?

10 CHAIRPERSON GRULLON: Yes.

11 THE SECRETARY: Ms. Gutierrez?

12 VICE CHAIRPERSON GUTIERREZ: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Ms. Perez?

18 MS. PEREZ: Yes.

19 THE SECRETARY: Mr. Cetinich?

20 MR. CETINICH: Yes.

21 THE SECRETARY: Six in favor.

22 Motion carries.

23 MR. LOPEZ: Thank you.

24 MR. IZQUIERDO: Thank you.

25 MR. LOPEZ: Thank you so much.

1 CHAIRPERSON GRULLON: Thank you.

2 VICE CHAIRPERSON GUTIERREZ: Thank you

3 MR. LOPEZ: See you next time.

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

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1 **RESOLUTIONS:**

2

3 (1) Park Avenue Investments LLC. 3801 Park
4 Avenue. Block 228 Lot 19.01. The applicant
5 proposes to legalize an existing two bedroom
6 apartment in the basement of a multi-family
7 building.

8 (2) 3329 Hudson Ave., LLC. 3329 Hudson Avenue.
9 Block 200 Lot 31. Create one apartment by
10 combining 2 ground floor apartments and to
11 convert the existing building into a 5 unit
12 residential building.

13

14 THE SECRETARY: All right.

15 We are going to go to Resolutions now.

16 Adoption of Resolutions. We have two
17 Resolutions on tonight's agenda.

18 Resolution number 1.

19 Park Avenue Investment, LLC, 3801 Park
20 Avenue.

21 And Resolution number 2.

22 3329 Hudson Avenue, LLC, 3329 Hudson
23 Avenue.

24 These application was approved at the
25 previous meeting -- meeting.

1 Can I have a motion to adopt these
2 Resolutions?

3 CHAIRPERSON GRULLON: Motion.

4 THE SECRETARY: Motion by --

5 VICE CHAIRPERSON GUTIERREZ: Second.

6 THE SECRETARY: -- Mr. Grullon.

7 Seconded by Ms. Gutierrez.

8 Roll call on the motion.

9 Mr. Grullon?

10 CHAIRPERSON GRULLON: Yes.

11 THE SECRETARY: Ms. Gutierrez?

12 VICE CHAIRPERSON GUTIERREZ: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Ms. Perez?

18 MS. PEREZ: Yes.

19 THE SECRETARY: Five in favor.

20 Motion carries.

21

22 * * *

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1 **ADJOURNMENT:**

2

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

6 Motion by Ms. Gutierrez.

7 Seconded by?

8 MR. ORTIZ: Me.

9 THE SECRETARY: Mr. Ortiz.

10 All in favor, say aye.

11

12 (Whereupon, there was a chorus of ayes.)

13

14 THE SECRETARY: The ayes have it.

15 Let the record indicate that the meeting
16 has ended.

17 Thank you and goodnight, everyone.

18 MR. PANEQUE: Thank you.

19

20 (Whereupon, the proceedings were concluded
21 at 7:19 p.m.)

22

23

24

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, 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, April 8, 2021 and
10 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon