

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
RENT STABILIZATION BOARD

REGULAR MEETING : TRANSCRIPT OF
: :
: :
-----: PROCEEDINGS

Union City City Hall
2nd Floor Courtroom
3715 Palisade Avenue
Union City, New Jersey

Monday, February 5, 2024
Commencing at 6:57 p.m.

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

JUAN MILAN, CHAIRMAN
SANDRA VASQUEZ, VICE CHAIRPERSON
ROSANA COLON, COMMISSIONER
YAMIRUS HOLGUIN, COMMISSIONER
YDALY POZO, COMMISSIONER

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

NORMA GUEVARA, COMMISSIONER

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

NEIL D. MAROTTA, ESQ., Board Counsel
KENNEDY NG, Administrator
CHRISTINA M. RIVERA, ESQ., Tenant Advocate
FRANCOIS NUNEZ, Staff Member
KENNY CABALLERO, Staff Member
CASMILA SOLIS, Staff Member
JOSE GONZALEZ, Interpreter

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I N D E X

317 29th Street
Apt. #8, #11, #12

WITNESSPAGE

DAVID BLACKBURN

10

E X H I B I T SNO.DOCUMENTPAGE

NO EXHIBITS MARKED

1 MR. NG: Good evening. This is the
2 meeting of the Rent Leveling Board. Today's date
3 is February 5, 2024, the time is now 6:57 and we
4 are in the municipal court chambers, 3715 Palisade
5 Avenue, Union City, New Jersey.

6 Pursuant to the Open Public Meeting Act,
7 adequate notice of this meeting was provided to
8 The Bergen Record, The Jersey Journal, and The
9 North Hudson Reporter more than 72 hours in
10 advance of the meetings, and is posted at the
11 municipal office. The notice includes the date,
12 time, location, and to the extent known the agenda
13 of the meeting.

14 Please rise for the flag salute.

15
16 (Whereupon, the Pledge of Allegiance was
17 recited.)
18

19 **ROLL CALL:**
20

21 MR. NG: We will do the roll call.

22 Commissioner Norma Guevara, not present.

23 Commissioner Ydaly Pozo.

24 COMMISSIONER POZO: Present.

25 MR. NG: Commissioner Yamirus Holguin.

1 COMMISSIONER HOLGUIN: Present.

2 MR. NG: Commissioner and Vice Chairman
3 Sandra Vasquez.

4 VICE CHAIRPERSON VASQUEZ: Present.

5 MR. NG: Commissioner Rosana Colon.

6 COMMISSIONER COLON: Present.

7 MR. NG: Chairman Juan Milan.

8 CHAIRMAN MILAN: Present.

9 MR. NG: We have the interpreter.

10 MR. GONZALEZ: Jose Gonzalez, present.

11 MR. NG: We have a quorum. At this
12 time, I'm going to pass the meeting to our
13 counsel, Mr. Marotta.

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1 **711 10TH STREET, APT. 3L -**

2 **HARDSHIP:**

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4 MR. MAROTTA: Thank you, everybody.

5 Good to see everybody tonight. I do not believe
6 that we will need Mr. Gonzalez's services, so...

7 MR. NG: If you want to stay, you can
8 stay.

9 MR. GONZALEZ: You're sure?

10 MR. MAROTTA: Sure.

11 MR. GONZALEZ: Okay.

12 MR. MAROTTA: So tonight, we had
13 actually four matters on. There was a hardship
14 711 10th Street, Apartment 3L. This matter had
15 been submitted some time ago, it was presented.
16 Our accountant had an opportunity to review it and
17 she had many questions. So she's going to get
18 together with the applicant to confirm -- get
19 answers to the questions she's had. So we
20 recommended that it be carried and we'll address
21 it at another meeting. It might be the next one,
22 but I believe the attorney might have a conflict,
23 so we'll be putting it on for potentially the
24 April meeting.

25 CHAIRMAN MILAN: Do we need a motion?

1 MR. MAROTTA: It is still on the agenda,
2 so yes, a motion to carry.

3 MR. NG: What is the address?

4 MR. MAROTTA: 711 10th Street.

5 CHAIRMAN MILAN: Okay. I make a motion
6 that we carry for a further meeting the matter of?
7 711 10th Street, Apartment 3L, hardship case, due
8 to the fact that our accountant is still in the
9 process of gathering the information required to
10 put together her report.

11 MR. MAROTTA: And then the other
12 matter -- oh, we've got to continue on the motion.

13 COMMISSIONER COLON: I second.

14 MR. NG: Commissioner Rosana Colon
15 seconded. Roll call.

16 Commissioner Ydaly Pozo.

17 COMMISSIONER POZO: Yes.

18 MR. NG: Commissioner Yamirus Holguin.

19 COMMISSIONER HOLGUIN: Yes.

20 MR. NG: Commissioner and Vice Chairman
21 Sandra Vasquez.

22 VICE CHAIRPERSON VASQUEZ: Yes.

23 MR. NG: Commissioner Rosana Colon.

24 COMMISSIONER COLON: Yes.

25 MR. NG: Chairman Juan Milan.

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CHAIRMAN MILAN: Yes.

MR. NG: Motion has passed.

1 **317 29TH STREET, APT. #8, #11, #12 -**

2 **CAPITAL IMPROVEMENT:**

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4 MR. MAROTTA: Okay. The other three
5 matters we have are capital improvement matters
6 concerning the same building with three different
7 apartments. And the property owner is here
8 tonight. I'd like to ask him to present himself
9 up at the table.

10 David, if you don't mind, state your
11 name for the record.

12 MR. BLACKBURN: David Blackburn.

13 MR. MAROTTA: Okay. And you're the
14 owner of 317 29th?

15 MR. BLACKBURN: 317 29th Street, yeah.

16 MR. MAROTTA: So the accountant has gone
17 back and forth a little bit with Mr. Blackburn and
18 she does have more questions and requires a little
19 bit more information and would like to meet with
20 him this week.

21 However, since the matters are on and
22 Mr. Blackburn is here, I'd like him to present.
23 So that after his presentation, advising of what
24 has been done to the properties, we can continue
25 the matter at the next hearing.

1 So, okay. Mr. Blackburn, please.

2

3 D A V I D B L A C K B U R N, after having been
4 duly sworn or affirmed, did testify as follows:

5

6 MR. BLACKBURN: I own the building and
7 it was renovated back in, I think, 2003 when I
8 bought it. I had bought it with another partner
9 initially. And so now we're coming up to a time
10 when a lot of the apartments are, you know,
11 certainly in need of major repairs. And so I mean
12 I have been updating the building as things come
13 along, like putting in new floors, et cetera,
14 updating bathrooms and kitchens to a certain
15 extent. But then three of the apartments came up,
16 which had had pretty much long-term tenants in
17 them. So I decide to basically gut renovate.
18 There's two on the fourth floor and one on the
19 third floor. The two on the fourth floor, they
20 have --

21 MS. RIVERA: The two on the fourth floor
22 are designated as apartments?

23 MR. BLACKBURN: 11 and 12, sorry. Both
24 of them had somewhat sagging floors, so I had to
25 level the floors out in both of them. One was a

1 little bit of a longer job than the other, but I
2 basically leveled the floors out. So once the
3 floors were leveled, I put in engineered wood
4 flooring throughout the apartments.

5 I also opened up the apartments to make
6 them -- because they're small apartments, they had
7 doors in every room. So I opened them up to be
8 able to cool and heat them more efficiently. Then
9 I put in new kitchens, new appliances. And the
10 bathroom I took out the old tubs and put in new
11 showers, new flooring, new shower works. And I
12 put in new lighting as well, recessed lighting,
13 LED.

14 And the apartments look, I think -- you
15 haven't got the file here, have you? The
16 apartments look very good. I mean the files are
17 with the accountant now, but I took some pictures
18 so you would have at least a before and after.

19 CHAIRMAN MILAN: We do have some, I
20 don't know if those are the totality of what Mr.
21 Blackburn has produced, but I do --

22 MR. BLACKBURN: I can tell you which are
23 the before and after -- I hope you could tell
24 yourself. Because if you can't, I haven't done a
25 good job. So that's basically what I've done.

1 I'm just trying to basically recoup the money I
2 spent. I spent roughly speaking 20,000 on each of
3 the -- on apartments 12 and 8. And I spent like
4 40,000 on apartment 11 because I put a HVAC system
5 in 11, a mini split system, as opposed to -- the
6 other two, I just put in a window air conditioner
7 and had it sealed up. They make saddle air
8 conditioners, so you only have 9 inches of open
9 window. So I sheet rocked and had them insulate
10 around where the windows were open. And that's
11 really basically it.

12 But I mean the apartments do look -- I
13 mean I think very nice, and I get a lot of
14 compliments for them.

15 CHAIRMAN MILAN: Okay.

16 MR. BLACKBURN: I mean the building is
17 well -- when the renovation was done, it was done
18 with a -- just so you get an idea of why I've done
19 this. For instance, as I said, they're relatively
20 small. So the living kitchen area is basically
21 one room. And they -- but they basically put
22 those nasty vinyl tiles in the bedroom and then
23 they put -- they put in the living area, they put
24 in cheap ceramic tiles. So it causes noise to
25 travel up and down, which was a problem. It just

1 caused for basically a lot of problems. And
2 obviously the kitchen cabinets weren't
3 particularly sound anymore, the bathrooms were
4 pretty nasty.

5 CHAIRMAN MILAN: Okay.

6 MR. BLACKBURN: So I mean they're all
7 looking very nice now, the updated showers and
8 everything. I put shower stalls in as opposed to
9 tubs and I only did that because -- not that I've
10 got anything against people with children, but
11 basically with the size of the apartments, they're
12 relatively small. So the people I tend to get are
13 single people as opposed to -- so that sort of
14 fitted in more with having a shower stall as
15 opposed to a tub.

16 MR. MAROTTA: Okay. Does the board have
17 any questions?

18 MR. BLACKBURN: You can see the
19 pictures.

20 MR. MAROTTA: I'm sure the questions
21 will come up more as the matter is presented in
22 full also, I guess.

23 MS. RIVERA: I mean I'll reserve.

24 MR. MAROTTA: Ms. Rivera will reserve on
25 comment until everything is before her.

1 MS. RIVERA: Until there's a meeting
2 with Susan, the accountant, and we can flesh out
3 some of the issues that are open.

4 CHAIRMAN MILAN: Okay.

5 MR. MAROTTA: Okay.

6 CHAIRMAN MILAN: How far do we think Ms.
7 Colditz is in terms of are we looking at next
8 month, are we looking at later?

9 MR. MAROTTA: We're looking at next
10 month.

11 CHAIRMAN MILAN: We're looking at --

12 MR. MAROTTA: As long as it fits with
13 the calendar, but I think it will. And I know she
14 works rather quickly.

15 MR. BLACKBURN: Very quickly.

16 MR. MAROTTA: After her meeting with Mr.
17 Blackburn, she'll have it resolved within two
18 weeks.

19 CHAIRMAN MILAN: Okay.

20 MR. MAROTTA: And ready for the meeting.

21 MR. NG: What really was the -- I was
22 out a couple days in my office -- the issue that
23 Susan couldn't be here tonight.

24 MR. MAROTTA: Well, mainly because she
25 is actually in New Jersey and she's going to meet

1 in person with Mr. Blackburn. But the fact that
2 there was nothing she could present on yet, until
3 these questions are answered, okay. For example,
4 there are several different areas in the
5 presentation that -- or the application that was
6 submitted that talk about general work and that
7 needs to be specified. And she's going to ask
8 questions about that. And it wasn't
9 appropriate -- at least I agreed with her not to
10 have the board go through the minute detail of
11 questions concerning the work that -- it should be
12 presented fully in the application. And then you
13 would be able to review it and make your decision,
14 okay.

15 CHAIRMAN MILAN: Fair enough.

16 MR. MAROTTA: And there's a few other
17 items that I believe the applicant needs to come
18 forward with.

19 CHAIRMAN MILAN: She still wants
20 clarification?

21 MR. MAROTTA: Yeah.

22 CHAIRMAN MILAN: That's fine.

23 MR. NG: Thank you.

24 CHAIRMAN MILAN: So I guess we can make
25 a motion to carry this case until a further month,

1 most likely the next one, pending the final
2 meetings with Mr. Blackburn and our accountant,
3 and also having the tenant advocate review it.

4 MR. NG: Motion was made by our chairman
5 Mr. Milan. Second by?

6 COMMISSIONER POZO: Ydaly.

7 MR. NG: Ydaly Pozo. Roll call.

8 Commissioner Ydaly Pozo.

9 COMMISSIONER POZO: Yes.

10 MR. NG: Commissioner Yamirus Holguin.

11 COMMISSIONER HOLGUIN: Yes.

12 MR. NG: Commissioner and Vice Chairman
13 Sandra Vasquez.

14 VICE CHAIRPERSON VASQUEZ: Yes.

15 MR. NG: Commissioner Rosana Colon.

16 COMMISSIONER COLON: Yes.

17 MR. NG: Chairman Juan Milan.

18 CHAIRMAN MILAN: Yes.

19 MR. NG: Motion has passed.

20 MR. MAROTTA: Okay.

21 CHAIRMAN MILAN: Thank you, sir.

22 MR. MAROTTA: Thank you, Mr. Blackburn.

23 CHAIRMAN MILAN: My guess is we'll see
24 you --

25 MR. BLACKBURN: Next month. We'll make

1 it a regular occurrence.

2 CHAIRMAN MILAN: Thank you very much.

3 MR. MAROTTA: Call Susan tomorrow,
4 David.

5 MR. BLACKBURN: I'll call as well and we
6 can get a date. Just give a time and date.

7 MR. MAROTTA: If I can't make it, just
8 go with her.

9 MR. BLACKBURN: Okay, fine.

10 MR. MAROTTA: All right.

11 MR. BLACKBURN: Thank you.

12 MR. MAROTTA: Okay.

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1 **ADOPTION OF RESOLUTIONS:**

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3 CHAIRMAN MILAN: The resolution, I
4 guess.

5 MR. MAROTTA: We have a resolution.

6 CHAIRMAN MILAN: Anything that you want
7 to highlight on the resolution? I think we read
8 it already while we were waiting. But anything
9 you wanted to point out that we might want to have
10 in --

11 MR. MAROTTA: I just want to confirm,
12 first of all, who was here that evening. I think
13 everybody might have been here that evening.
14 Norma is the only --

15 CHAIRMAN MILAN: Norma was missing, but
16 she's also --

17 MR. MAROTTA: Norma is missing tonight.
18 So everybody can vote on the resolution.

19 Again, the purpose of a memorialization
20 of the resolution, this is the official action of
21 the board. And after your review, if you see that
22 something is not accurate, because again I drafted
23 it -- so if you see something to your recollection
24 is not accurate, please point it out. If it is
25 accurate, we request that you memorialize it. And

1 it would be a vote to adopt the resolution.

2 So that being the case, if you recall
3 the matter, it was a matter that had continued
4 over a significant period of time because of a --
5 there was a potential settlement in the case back
6 in 2021, so it dragged all the way to 2023. If
7 you recall that, but other than that, there were
8 issues of the vacancy decontrol and issues of the
9 ordinance that says the tenant pays the rent
10 during the pendency of the appeal.

11 So that being the case, if we could have
12 a -- any questions? Okay. There being none, if
13 we could have a motion?

14 CHAIRMAN MILAN: I make a motion that we
15 adopt the resolution for 1304 Palisade Avenue,
16 Apartment B1.

17 VICE CHAIRPERSON VASQUEZ: I'll second.

18 COMMISSIONER HOLGUIN: Second.

19 MR. NG: The motion was made by Chairman
20 Juan Milan and who seconded?

21 COMMISSIONER HOLGUIN: I second.

22 MR. NG: Who was it?

23 VICE CHAIRPERSON VASQUEZ: It doesn't
24 matter.

25 MR. NG: Commissioner Yamiris Holguin.

1 Roll call.

2 Commissioner Ydaly Pozo.

3 COMMISSIONER POZO: Yes.

4 MR. NG: Commissioner Yamirus Holguin.

5 COMMISSIONER HOLGUIN: Yes.

6 MR. NG: Commissioner and Vice Chairman
7 Sandra Vasquez.

8 VICE CHAIRPERSON VASQUEZ: Yes.

9 MR. NG: Commissioner Rosana Colon.

10 COMMISSIONER COLON: Yes.

11 MR. NG: Chairman Juan Milan.

12 CHAIRMAN MILAN: Yes.

13 MR. NG: Motion has passed.

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OTHER BUSINESS:

CHAIRMAN MILAN: Seeing no one in the seating --

MR. MAROTTA: Let the record reflect there are no public present.

CHAIRMAN MILAN: -- there's no public present.

MR. MAROTTA: So we don't have to open.

CHAIRMAN MILAN: We don't have to open the meeting for comments from the public.

MR. MAROTTA: I do have a question for everybody. It's not often that we have such a early. So I want to -- if we could go off the record?

(Discussion held off the record.)

ADJOURNMENT :

MR. MAROTTA: Motion to go into closed session?

CHAIRMAN MILAN: I make a motion to go into closed session.

VICE CHAIRPERSON VASQUEZ: Second.

MR. NG: Motion was made by our Chairman Juan Milan and second by Sandra Vasquez.

MR. MAROTTA: All in favor?

MR. NG: All in favor?

(All Board Members indicate in the affirmative.)

(Whereupon a closed session was held at 7:16 p.m. for the advice of counsel.)

(Whereupon the meeting was adjourned.)

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700