

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
 :
 : PROCEEDINGS
 :
 _____ :

City Hall
 3715 Palisade Avenue
 Union City, New Jersey

Thursday, November 1, 2018
 Commencing at 6:10 p.m.

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

VICTOR M. GRULLON
 MARGARITA GUTIERREZ
 JOHN MEDINA
 DAVID W. PRESSEY
 JOSEPH D. BONACCI, Vice Chairman

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

MIGUEL ORTIZ
 LIBERO MAROTTA, Chairman

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

CARLOS VALLEJO, Secretary to the Board
 TOMAS R. PANEQUE, ESQ., Board Attorney

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

RAMON M. GONZALEZ, ESQ.,
Attorney for Applicant, 314 Forty Third Street, LLC

ARISTIDES F. HERNANDEZ, ESQ.,
Attorney for Applicant, 3329 Hudson Avenue, LLC

CARLOS RENDO, ESQ.,
Attorney for Applicant, Farouk Sheikh

CARLOS RENDO, ESQ.,
Attorney for Applicant, Pilot Digital, LLC

ROBERT M. MAYEROVIC, ESQ.,
Attorney for Applicant, 3311 Pleasant Assoc., LLC

EDGAR NAVARETTE, ESQ.,
Attorney for Applicant, 111 35TH Street, LLC

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

3 Please take notice that on Thursday,
4 November 1st, 2018, at six p.m., a Regular Meeting
5 is scheduled for the Union City Zoning Board of
6 Adjustment, to be held in Municipal Chambers,
7 located on Second Floor, 3715 Palisade Avenue,
8 Union City, New Jersey.

9 Notice of this meeting has been provided as
10 follow:

11 Notice of this meeting setting forth the
12 date, location, and the agenda, to the extent
13 known, was forward to The Jersey Journal, The
14 Record, and The Hudson Reporter, has been posted
15 on the bulletin board in City Hall, and has been
16 made available to the public in the Office of the
17 Municipal Clerk.

18 Can everybody, before we start the meeting,
19 rise to salute the flag, please?

20

21 (Whereupon, the Pledge of Allegiance was
22 said by all.)

23

24 THE SECRETARY: Thank you.

25

1 **ROLL CALL:**

2

3 THE SECRETARY: Roll call for tonight's
4 meeting.

5 Mr. Marotta? Absent.

6 Mr. Bonacci?

7 VICE CHAIRMAN BONACCI: Here.

8 THE SECRETARY: Mr. Grullon?

9 MR. GRULLON: Here.

10 THE SECRETARY: Ms. Gutierrez?

11 MS. GUTIERREZ: Here.

12 THE SECRETARY: Mr. Ortiz is absent.

13 Mr. Pressey?

14 MR. PRESSEY: Here.

15 THE SECRETARY: Mr. Medina?

16 MR. MEDINA: Here.

17 THE SECRETARY: Five in favor.

18 I'm sorry.

19 Five present.

20 We have a full quorum for tonight's
21 meeting.

22 * * *

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(1) Regular Meeting held on October 11, 2018

Can I have a motion to adopt this minutes?

THE SECRETARY: Motion by Mr. Grullon.

THE SECRETARY: Second by Ms. Gutierrez.

Mr. Bonacci?

THE SECRETARY: Ms. Gutierrez?

THE SECRETARY: Mr. Gullon?

THE SECRETARY: Mr. Pressey?

THE SECRETARY: Mr. Medina?

THE SECRETARY: Five in favor.

* * *

RESOLUTIONS:

(1) Ayoub Brothers Realty, LLC, 4007 Bergenline Avenue, Block 234, Lot 31. Legalization of residential dwelling unit of existing three story mixed use building with three residential units and ground floor commercial. **Approved**

(2) Bienvenida Cuevas, 1707 New York Ave., Block 90, Lot 3. Mixed use building with an assembly hall on the ground floor and three bedroom apartments on the second floor. **Approved**

(3) 3305 Pleasant Ave., LLC, 3305 Pleasant Ave., Block 228, Lot 41. Applicant seeks the relief to construct a new three family house. **Approved**

(4) MBP Hoist and Crane, LLC, 1221 New York Ave., Block 61.02, Lot 7. Applicants are proposing a mixed use building consisting of three residential and one commercial unit.

(Application #2) **Approved**

(5) Lirios de Los Valles, 4015 New York Ave., Block 235, Lot 26. Applicant is proposing a second story and rear addition to an existing warehouse and converting same to a house of worship. **Approved**

1

2 THE SECRETARY: We have six Resolution on
3 tonight's agenda.

4 We are going to Resolution 1, 2, 3, 4 and
5 5.

6 Number 1.

7 Ayoub Brothers Realty, LLC, 4007 Bergenline
8 Avenue.

9 Number 2.

10 Bienvenida Cuevas, 1707 New York Avenue.

11 Number 3.

12 3505 (sic) Pleasant Ave., LLC, 3505 (sic)
13 Pleasant Avenue.

14 Number 4.

15 MBP Hoist and Crane, LLC, 1221 New York
16 Avenue.

17 Number 5.

18 Lirios de Los Valles, 4015 New York Avenue.

19 All these five application was approved at
20 the previous meeting.

21 Can I have a motion to adopt these
22 Resolutions?

23 MR. GRULLON: Motion.

24 THE SECRETARY: Motion by Mr. Grullon.

25 MS. GUTIERREZ: Second.

1 THE SECRETARY: Second by Ms. Gutierrez.

2 Roll call on the motion.

3 Mr. Bonacci?

4 VICE CHAIRMAN BONACCI: Yes.

5 THE SECRETARY: Ms. Gutierrez?

6 MS. GUTIERREZ: Yes.

7 THE SECRETARY: Mr. Grullon?

8 MR. GRULLON: Yes.

9 THE SECRETARY: Mr. Pressey?

10 MR. PRESSEY: Yes.

11 THE SECRETARY: Mr. Medina?

12 MR. MEDINA: Yes.

13 THE SECRETARY: Five in favor.

14 Motion carries.

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1 **RESOLUTIONS:**

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3 (6) Antonino Forte, 1701-07 Kerrigan Ave., Block
4 95, Lot 25. Proposes two story building with two
5 residential units, one commercial unit, three car
6 garages and retention of an existing two and a
7 half story single family dwelling. **Denied**

8

9 THE SECRETARY: Resolution number -- number
10 6.

11 Antonino Forte.

12 1701-07 Kerrigan Avenue. This application
13 was denied at the previous meeting.

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

16 MR. GRULLON: Motion.

17 MS. GUTIERREZ: I make --

18 THE SECRETARY: Motion by Mr. Grullon.

19 Second by Ms. Gutierrez.

20 Okay.

21 Roll call on the motion to -- to approve
22 this Resolution.

23 Mr. Bonacci?

24 VICE CHAIRMAN BONACCI: Yes.

25 THE SECRETARY: Ms. Gutierrez?

1 MS. GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Grullon?

3 MR. GRULLON: Yes.

4 THE SECRETARY: Mr. Pressey?

5 MR. PRESSEY: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Five in favor.

9 Motion carries.

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1 **314 Forty Third Street, LLC/Robert Ledonne -**
2 **314 43rd Street:**

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4 THE SECRETARY: All right.

5 We are going to the first

6 hearing/interpretation determination on 314 Forty
7 Third Street, LLC, Robert Ledonne.

8 Mr. Gonzalez, please?

9 MR. GONZALEZ: Thank you.

10 For the record, Ramon, last name Gonzalez,
11 G-O-N-Z-A-L-E-Z, 407 39th Street, Union City, New
12 Jersey, attorney on behalf of Robert Ledonne,
13 seated in the front row next to Larry Price.

14 Just so I can just give the Board a brief
15 synopsis because this is really -- it's just an
16 interpretation.

17 MR. PANEQUE: Mr. Gonzalez, --

18 MR. GONZALEZ: Yes.

19 MR. PANEQUE: -- if I may?

20 MR. GONZALEZ: Absolutely.

21 MR. PANEQUE: Before we proceed, we have to
22 establish jurisdiction.

23 MR. GONZALEZ: Yes.

24 MR. PANEQUE: Do you have your proof of
25 mailings and certified mail?

1 MR. GONZALEZ: Since -- since we have for
2 an interpretation --

3 MR. PANEQUE: Okay.

4 MR. GONZALEZ: -- we're not seeking or we
5 weren't -- aren't required to do a proof of
6 mailing.

7 It's an existing property, of which we're
8 not changing whatsoever. What we will be seeking
9 from this Board is just an understanding or
10 interpretation as to what's actually there.

11 The reason being, and this is by way of a
12 consent agreement and the consent agreement is in
13 the -- in the file, where the town and my client
14 enter into a consent agreement, because the
15 Building Department did not have the registration
16 or the designation of the amounts of units in the
17 property.

18 That's attached as exhibit -- and I can
19 tell you in one second.

20 (Whereupon, there was a pause in the
21 proceedings.)

22 MR. GONZALEZ: That's in, I believe,
23 Exhibit A, which is the agreement that -- that's
24 prepared --

25 H. H, I'm sorry.

1 -- H, which is the agreement between the
2 Union -- the Town of Union City and the Building
3 Department --

4 Did you -- did you find it?

5 MR. PANEQUE: I have it, yes.

6 MR. GONZALEZ: Oh, okay.

7 Between the City of Union City Building
8 Department and -- and my client, allowing us to
9 come to this Board for this interpretation.

10 MR. PANEQUE: Okay.

11 You're more familiar with this exhibit than
12 I am.

13 MR. GONZALEZ: Yes.

14 MR. PANEQUE: Can you point out what
15 paragraph you're referring to?

16 MR. GONZALEZ: Okay.

17 Yes on page 2, owner shall apply to the
18 Zoning Board to legalize five units in the
19 property.

20 During the pendency of the application
21 before the Board, the City will not enforce
22 provisions of the Notice of Violation, as it
23 pertains to compliance and accrual of penalties.
24 Should the owner be successful, the City will
25 withdraw the Violations in -- in their entirety.

1 MR. PANEQUE: Okay.

2 So, I'm reading this as an agreement where
3 the owner was permitted to apply to this Board to
4 legalize five units.

5 MR. GONZALEZ: For an interpretation.

6 MR. PANEQUE: Well, where does it say it's
7 an interpretation? Because I -- the reason I'm
8 asking is because we have the Building Department
9 memo.

10 MR. GONZALEZ: Yes.

11 MR. PANEQUE: Okay.

12 And the Building Department memo is telling
13 this Board --

14 MR. GONZALEZ: Yes.

15 MR. PANEQUE: -- that this property was
16 originally a two unit structure.

17 So, it's -- an interpretation usually
18 involves one where the condition has existed --

19 MR. GONZALEZ: I'll just give you this.

20 MR. PANEQUE: -- prior to the
21 implementation of the Master Plan. So, the way
22 to show that and what this Board has done in the
23 past has been, there's testimony where the
24 applicant comes in and -- and shows that this has
25 existed for 40 years, 50 years, 60 years. But

1 even in an interpretation, this Board has always
2 sought the notice to be provided to the
3 neighbors.

4 MR. GONZALEZ: Well, --

5 MR. PANEQUE: That's been -- unless --

6 MR. GONZALEZ: -- I understand, but
7 statutorily that's not an actual requirement.

8 MR. PANEQUE: Okay.

9 MR. GONZALEZ: And -- and I can say
10 actually, if the notice that was provided to this
11 Board, of which I got a copy today, in fact, is
12 actually something that I had spoken to the
13 Building Department and they were able to find
14 for me -- find for me, and that is the cutting
15 card which, in fact, reflects \$172,200.00 is what
16 the current tax rate is on it.

17 What they were able, actually, provide me
18 was the old one from the early '70s, which I
19 attached as an exhibit, which confirms what
20 you're saying that the unit is -- is in
21 existence, because the taxes at that time were
22 56,000. And that's in the exhibits that were
23 provided to me by the Building Department under
24 Exhibit D of the packet that has been provided to
25 the Board.

1 MR. PANEQUE: Okay.

2 I have Exhibit D as a State registration.

3 MR. GONZALEZ: State registration, and if
4 you go to the last page, the Building Department
5 was able to find the old one after the process
6 was already started. And if you look -- if you
7 look, it shows five units --

8 MR. PANEQUE: Okay.

9 MR. GONZALEZ: -- and the taxes being
10 \$56,000.00 for the property at that time, which
11 was probably consistent with the early '70s.

12 What I did --

13 MR. PANEQUE: Okay. I --

14 MR. GONZALEZ: If you can't see it, what I
15 did was on --

16 MS. DILLON: Just wait until you come back,
17 Mr. Gonzalez.

18 MR. GONZALEZ: I will.

19 MS. DILLON: Thank you.

20 MR. GONZALEZ: What -- what I did -- what I
21 did, I just made extra copies, highlighted,
22 because I know it was a little difficult to see.

23 MR. PANEQUE: Yeah. Let me -- let me see.

24 MR. GONZALEZ: It's the same one that you
25 have.

1 MR. PANEQUE: It's this one?

2 MR. GONZALEZ: Yes, sir.

3 MR. PANEQUE: Thank you.

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

6 MR. GONZALEZ: I didn't highlight the tax
7 rate at the time, but that -- that's there
8 attached also.

9 VICE CHAIRMAN BONACCI: There's five unit
10 total, three apartments, two apartments.

11 Do you still have to establish
12 jurisdiction?

13 It's being used as five units now?

14 MR. GONZALEZ: Yes. I have all the tenants
15 here. It's been used as five units for the
16 longest time.

17 In fact, I have all additional proofs that
18 I have attached to show that it's been inspected
19 by the Building Department. They required him to
20 have fire escapes and put fire escapes.

21 This only came up because the Building
22 Department didn't have any designation. They had
23 thought at one time it was one, then they thought
24 it was two.

25 When I spoke with Mr. Martinetti, he -- he,

1 with his attorney, which we sat with, simply
2 asked that the Board be presented the documents,
3 to make the determination.

4 Since we were doing that type of
5 application, we're not seeking to change anything
6 or modify anything, which would impact on anybody
7 in the neighborhood.

8 Had that not been, that would have been a
9 full blown application, I would believe, and
10 that's not what the intent of our agreement was
11 which is quite lengthy at -- at points, so --

12 MR. PANEQUE: I'm looking at this cutting
13 card.

14 MR. GONZALEZ: Yes.

15 MR. PANEQUE: And is there an indication
16 anywhere in this cutting card as to when this was
17 done?

18 MR. GONZALEZ: They don't have that.
19 That's what the town provided to me.

20 MR. PANEQUE: Yeah, no --

21 MR. GONZALEZ: The building Department was
22 able to locate it.

23 What they also located was the new one,
24 which is really the same thing, just up-to-date.

25 MR. PANEQUE: Yeah.

1 MR. GONZALEZ: And, in fact, even the new
2 one has the same document attached. So that's
3 why they were able to provide it to me, with --
4 and the difference is the -- the taxes -- you
5 know, that -- that was what they used as a basis
6 to determine that the old -- old cutting card --

7 MR. PANEQUE: Yeah.

8 MR. GONZALEZ: No, we didn't have that when
9 we received the first violation, so we were
10 already in the process. But since we were
11 halfway through -- well, more than halfway
12 through, almost completely through, we decided to
13 just opt to provide this to the Board for
14 compliance with the agreement of the town and my
15 client.

16 MR. PANEQUE: My only observation that I'm
17 -- I'm noting here is that we -- we get presented
18 with these cutting cards all the time,
19 specifically the ones from the 1973 assessment,
20 or '74.

21 Those cutting cards, when they have the
22 units depicted, they actually give us where the
23 units are on which floor, but they give us the --
24 the amount of rent that was being charged for
25 each of those units.

1 So, for some reason, this -- this cutting
2 card doesn't match what that cutting card from
3 that time period is that's usually presented to
4 us. And that's why I'm -- I'm trying to figure
5 out --

6 MR. GONZALEZ: I --

7 MR. PANEQUE: -- when this cutting card --

8 MR. GONZALEZ: I --

9 MR. PANEQUE: -- was done.

10 MR. GONZALEZ: I understand but --

11 MR. PANEQUE: If it predates '73, or it
12 comes after or --

13 MR. GONZALEZ: I -- I would have to assume
14 it predates '73, and if you looked at the
15 additional exhibits that I provided, the property
16 at one time was under Rent Control. And we have
17 all the Rent Control registration certificates
18 that were available.

19 I -- I also can represent to this Board
20 that -- that what happens is my client receives a
21 notice that there's a rent violation. He appears
22 before the Board, so the town takes jurisdiction
23 of the applicant who is making the claim that he
24 is being overcharged.

25 They have the hearing. It turns out

1 | because the structure consists of two structures,
2 | three units in the front and two units in the
3 | back, statutorily a case comes out that says it
4 | doesn't fall under Rent Control.

5 | Now, I know we passed a new Ordinance in
6 | town that that doesn't take effect anymore, but
7 | that -- what happened in that -- that situation
8 | is the town -- the town wants the jurisdiction
9 | for one thing, but doesn't want to recognize this
10 | to the other. So, that's why it's somewhat
11 | unfair for anybody who purchases a piece of
12 | property and the attorney and the Building
13 | Department acknowledged and recognized the -- the
14 | issue and the problem that exists here.

15 | And apparently, the -- the town only
16 | carries things going back so far, and
17 | unfortunately, in some of the files in the
18 | Building Department are somewhat incomplete.

19 | MR. PANEQUE: Yeah. I -- I'm aware of
20 | that. We get confronted with that situation
21 | often.

22 | I just point out to the Board that we don't
23 | have any way of, from this cutting card, showing
24 | when this cutting card was actually done.

25 | The one that we usually get from the 1973

1 assessment is different than this. So, this may
2 come prior to the 1973 assessment. It might have
3 been done after.

4 Now, just going back to the original issue
5 that started me on this line of questioning, the
6 settlement that you have or that your client has
7 reached with the City --

8 MR. GONZALEZ: Yes.

9 MR. PANEQUE: -- gives your client the
10 right to come before this Board to legalize the
11 five units.

12 MR. GONZALEZ: That's correct.

13 MR. PANEQUE: Okay.

14 So, in that settlement, I'm not reading
15 that it's coming for a determination that it's
16 five units. It's a legalization.

17 This Board gets presented with this kind of
18 scenario almost on every meeting. And at every
19 one of those applications, we require that the
20 200 foot property owners be noticed.

21 Now, you're saying that because you're
22 coming in as an interpretation, that,
23 statutorily, you're not obligated to give notice?

24 MR. GONZALEZ: That's correct.

25 MR. PANEQUE: Do you have the citation?

1 MR. GONZALEZ: No, I don't.

2 MR. PANEQUE: Okay.

3 See, I'm not aware of that citation even.

4 MR. GONZALEZ: Okay.

5 MR. PANEQUE: If you want to -- you could
6 try to find it --

7 MR. GONZALEZ: I'm not going to be able to
8 do it now. I'm not prepared for that --

9 MR. PANEQUE: I'm just --

10 MR. GONZALEZ: -- right now.

11 I understand.

12 MR. PANEQUE: I don't want to create a
13 precedent here because we have this situation
14 come up at almost every meeting. This is an
15 ongoing issue in Union City where people come in
16 to go from three to four, or four to five, or --
17 you know, legalize a number of units.

18 And my problem is that the Building
19 Department memo is saying it's two. I don't know
20 if you've seen this memo?

21 MR. GONZALEZ: I -- I did, but I have -- I
22 have one that says that they're saying it's one.

23 MR. PANEQUE: I --

24 MR. GONZALEZ: So --

25 MR. PANEQUE: Yeah. I mean --

1 MR. GONZALEZ: So --

2 MR. PANEQUE: -- this Board can entertain
3 your application to go from two to five. But
4 there's -- the procedure must be adhered to and
5 that requires the notice, unless -- I mean, Mr.
6 Bonacci?

7 VICE CHAIRMAN BONACCI: No. I -- I would
8 agree with Mr. Paneque that the way we usually do
9 it is the first thing is that we establish -- we
10 have you establish jurisdiction. And then once
11 that's established, then we -- we hear the case.

12 And for the amount of time that I've been
13 here as Vice Chairman, we haven't had anything
14 come before us requesting any sort of, like,
15 interpretation or determination. It usually
16 comes before us as legalizing a preexisting
17 structure from, like -- like, let's say, a two
18 unit to a five unit. And then, those are -- you
19 know, traditionally the cases that we hear.

20 But very rarely do we get anybody that
21 comes before us, if ever, without any notice that
22 was posted for people in the area.

23 MR. GONZALEZ: If that's the Board's
24 position --

25 MR. PANEQUE: Well --

1 MR. GONZALEZ: -- it's the Board's --

2 VICE CHAIRMAN BONACCI: Yeah.

3 MR. GONZALEZ: -- position.

4 VICE CHAIRMAN BONACCI: I think that if we

5 --

6 MR. GONZALEZ: I think what -- what I'll
7 have to do is I -- I have to take it up with the
8 Town Attorney, who said that this is the
9 procedure and the process that I needed to do.

10 MR. PANEQUE: Yeah. I --

11 MR. GONZALEZ: Because I rely on them to do
12 it so --

13 VICE CHAIRMAN BONACCI: That's the process
14 that we're more familiar with.

15 MR. GONZALEZ: I understand.

16 VICE CHAIRMAN BONACCI: And also, too, if
17 we could get the memo from the Building
18 Department a little bit more clear as to what is
19 it exactly that they're requesting from us in
20 order to meet your -- you know, needs of your
21 application.

22 MR. GONZALEZ: Well, I -- I think the
23 agreement speaks for itself on that.

24 MR. PANEQUE: Yeah.

25 MR. GONZALEZ: But I'll leave that to your

1 | counsel to explain that to you.

2 | VICE CHAIRMAN BONACCI: Okay.

3 | MR. GONZALEZ: And that's for determination
4 | as to what's -- what's there, because they don't
5 | have anything in their books that they could rely
6 | on. So what happens is, when somebody purchases
7 | a property, in Union City, you rely on whatever
8 | due diligence you do. And unfortunately, it
9 | comes back four years later, five years later,
10 | ten years later saying hey, this is not what you
11 | bought.

12 | It's a little unfair, because the Building
13 | Department sends you a letter saying it's okay.
14 | And then, my client relies on it, who's
15 | represented by an attorney, who has -- did his
16 | due diligence, who has been paying taxes, who has
17 | all his tenants here today to say, we've been
18 | living here for many, many years. And -- and
19 | everybody purchases a property in -- in the town,
20 | unfortunately, has this dilemma that comes up.

21 | Maybe if they change their Ordinance and
22 | you have COs, but that's not for this Board,
23 | where they actually do an inspection sometimes.

24 | MR. PANEQUE: This is just for --

25 | We had a similar situation, Mr. Bonacci, I

1 think you were here for that, on Bergenline
2 Avenue, and was it 16th Street or 17th Street?

3 VICE CHAIRMAN BONACCI: Yeah.

4 MR. PANEQUE: Where the apartment in the
5 rear of the store --

6 VICE CHAIRMAN BONACCI: Right.

7 MR. PANEQUE: -- and the units upstairs.
8 And the attorney came in on an application for an
9 interpretation. And that was the specific
10 request for an interpretation by this Board. And
11 if you recall, they brought in -- actually, they
12 brought in the senior citizens.

13 VICE CHAIRMAN BONACCI: Right.

14 MR. PANEQUE: Who had been teenagers in --
15 in the '30s and the '40s, who testified --

16 VICE CHAIRMAN BONACCI: But they
17 established --

18 MR. PANEQUE: Yeah.

19 VICE CHAIRMAN BONACCI: -- jurisdiction.

20 MR. PANEQUE: But just so that you know,
21 Mr. Gonzalez, they were required to send out
22 notices to all --

23 MR. GONZALEZ: Wow.

24 MR. PANEQUE: And actually, neighbors came
25 in to give their two cents worth. And the

1 | problem we have is -- you know, this Board may
2 | very well deem fit to find that there are five
3 | legal units here, but I'm not aware of anything
4 | that allows this --

5 | MR. GONZALEZ: That --

6 | MR. PANEQUE: -- Board to --

7 | MR. GONZALEZ: That's fine. Then --

8 | MR. PANEQUE: -- proceed without
9 | establishing jurisdiction --

10 | MR. GONZALEZ: Then --

11 | MR. PANEQUE: -- and creating notice.

12 | MR. GONZALEZ: Then what I'll do is I'll
13 | take the steps that are necessary.

14 | And also, I'll speak to the Town Attorney,
15 | who said that this was the way we need to
16 | proceed. And I -- maybe it's a new procedure
17 | that they may tell the Board. I don't know.

18 | MR. PANEQUE: Yeah.

19 | MR. GONZALEZ: Okay.

20 | VICE CHAIRMAN BONACCI: So we have to carry
21 | it over to -- the next meeting would be December
22 | 13th.

23 | MR. GONZALEZ: That's fine.

24 | MR. PANEQUE: Do we have --

25 | THE SECRETARY: They don't have to vote.

1 MR. PANEQUE: What is it?

2 THE SECRETARY: To carry over, you don't
3 need to --

4 MR. PANEQUE: No, they don't have to vote.
5 It's --

6 THE SECRETARY: No.

7 MR. PANEQUE: -- just that if it's going to
8 be carried over, then at that meeting, if you
9 want to have the Town Attorney get on a
10 conference call with me, I'm more than happy to
11 do that.

12 And if there is some statute that provides
13 for an interpretation by this Board without the
14 proper notice being given, then so be it. But
15 I'm not aware of it.

16 MR. GONZALEZ: All right.

17 That's fine.

18 MR. PANEQUE: And I -- I have, sitting in
19 the audience, quite a few attorneys who have
20 appeared before this Board on similar
21 applications. And we've always required that
22 notice be given. So --

23 MR. GONZALEZ: I'm sure they're much
24 smarter than I am.

25 MR. PANEQUE: No that's not the case. I

1 | just don't want to go down this rabbit hole,
2 | where we now establish that this Board is doing
3 | that without giving proper notice to the property
4 | owners.

5 | MR. GONZALEZ: Understood. Okay.

6 | What was that? December --

7 | VICE CHAIRMAN BONACCI: Thirteen.

8 | THE SECRETARY: Thirteen.

9 |

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

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1 **3329 Hudson Avenue, LLC - 3329 Hudson Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 3329 Hudson Avenue, LLC, 3329
5 Hudson Avenue.

6 Mr. Hernandez, please?

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

9 MR. PANEQUE: Just refreshing our
10 recollection of what took place.

11 MR. HERNANDEZ: Yes.

12 MR. PANEQUE: All right.

13 MR. HERNANDEZ: Can I proceed?

14 MR. PANEQUE: Yes.

15 MR. HERNANDEZ: All right.

16 I'm Aristides Hernandez.

17 I'm an attorney at law here in the State of
18 New Jersey. Our offices are in West New York.

19 I'm here for the applicant, 3329 Hudson
20 Realty, LLC.

21 As the Board will recall, we have been here
22 a couple of times already. We had an issue with
23 the number of units, which was cleared up by the
24 Building Department.

25 Now, the application was revised from four

1 additional apartments to two additional
2 apartments, and drawings were submitted by --

3 MR. PANEQUE: Right to the left.

4 MR. HERNANDEZ: -- by Mr. Jose --
5 architect, Jose Izquierdo, who is here with me.

6 He testified last time regarding the merits
7 and the -- of the application and fielded
8 questions.

9 MR. PANEQUE: If I may --

10 MR. HERNANDEZ: What do we --

11 MR. PANEQUE: -- Mr. Hernandez?

12 MR. HERNANDEZ: -- need now, at this point?

13 MR. PANEQUE: Yeah. Let me just recap, for
14 the edification of the Board. If I'm -- if I
15 miss something, let me know.

16 Mr. Izquierdo testified as to the revised
17 plans that were presented. However, the actual
18 plans, he had not had an opportunity to finish,
19 and this matter was carried to today, to give Mr.
20 Izquierdo the opportunity to prepare those plans.

21 I have those plans now. Mr. Izquierdo,
22 you've given us revised plans as of October 19,
23 2018.

24 MR. IZQUIERDO: Correct.

25 MR. PANEQUE: Date. It's your testimony

1 | this evening --

2 | MS. DILLON: You want me to swear him in?

3 | MR. PANEQUE: Oh, yes. Please, swear him
4 | in.

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

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

8 | MR. IZQUIERDO: I do.

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

11 | MR. IZQUIERDO: My name is Jose Izquierdo,
12 | New Jersey architect 09143, New Jersey planner
13 | 03385.

14 | MS. DILLON: Thank you.

15 | MR. HERNANDEZ: If I may just interject for
16 | a minute?

17 | He was previous -- previously qualified and
18 | I would accept -- I would expect that the Board
19 | would continue to accept his qualifications.

20 | True?

21 | VICE CHAIRMAN BONACCI: Yup.

22 | MR. HERNANDEZ: Okay.

23 | VICE CHAIRMAN BONACCI: We accept your
24 | qualifications.

25 | MR. HERNANDEZ: Thank you.

1 MR. IZQUIERDO: Thank you.

2 MR. PANEQUE: Mr. Izquierdo, when we were
3 here on October 11th, you provided testimony with
4 respect to this application.

5 Correct?

6 MR. IZQUIERDO: Yes, I did.

7 MR. PANEQUE: And during your testimony,
8 you gave the unit count and, in fact, you went
9 into quite amount of detail as to what this
10 project entailed.

11 MR. IZQUIERDO: Correct.

12 MR. PANEQUE: However, at that time, your
13 testimony did not coincide with the plans that
14 the Board was looking at, because there had been
15 a change in the unit count that was now being
16 presented to the Board.

17 MR. IZQUIERDO: That is a true statement.

18 MR. PANEQUE: Okay.

19 We have now a revised plan, with a date of
20 October 19.

21 Is it your testimony today that what's
22 shown on this revised plan goes with the
23 testimony that you gave this Board on October
24 19th?

25 MR. IZQUIERDO: Exactly it does. Yes.

1 MR. PANEQUE: Okay.

2 I believe that basically brings everything
3 together for the purposes of this Board to either
4 ask any questions, or make a motion for either
5 approval or denial.

6 VICE CHAIRMAN BONACCI: Just a quick
7 question.

8 Mr. Izquierdo, so now, the number of units
9 with the revised plans --

10 MR. IZQUIERDO: Six.

11 VICE CHAIRMAN BONACCI: Okay.

12 So, the application has been revised, the
13 plans have been revised. The variances that you
14 guys require --

15 MR. IZQUIERDO: Are --

16 VICE CHAIRMAN BONACCI: -- I see -- I see
17 most of them are preexisting.

18 MR. IZQUIERDO: They're all preexisting.
19 And actually, because we're not adding any square
20 footage, or any volume, they would all be
21 subsumed within the D-2 be -- the D-1, because we
22 have a new --

23 VICE CHAIRMAN BONACCI: Use.

24 MR. IZQUIERDO: -- use variance --

25 VICE CHAIRMAN BONACCI: And the --

1 MR. IZQUIERDO: -- because we're creating a
2 new use.

3 VICE CHAIRMAN BONACCI: And you -- and
4 you're abolishing the bar.

5 MR. IZQUIERDO: We're eliminating the bar
6 and eliminating those 28 parking spaces, or so,
7 that are required. So, we're reducing the
8 deficiency.

9 VICE CHAIRMAN BONACCI: And Mr. Izquierdo,
10 could you just give us like a brief testimony as
11 to the safety standards of the units?

12 MR. IZQUIERDO: In terms of fire safety?

13 VICE CHAIRMAN BONACCI: Yeah.

14 MR. IZQUIERDO: Or life safety?

15 VICE CHAIRMAN BONACCI: Fire safety, being
16 able to get in --

17 MR. IZQUIERDO: Any type of safety.

18 VICE CHAIRMAN BONACCI: Right. Right.

19 MR. IZQUIERDO: The building is a three
20 story building that has the ground floor occupied
21 as a bar. The bar is going to be removed and
22 it's going to be replaced with two studio
23 apartments.

24 The two studio apartments are going -- on
25 the ground floor are going to preserve the rear

1 entrance of the building and the front entrance
2 of the building, which are both going to be
3 accessible to the handicapped.

4 The present layout of the building actually
5 compromises the safety of the occupants upstairs
6 because the eight parking spaces that are in the
7 rear of the property, in order to enter the
8 tenancy of the second and the third floor, they
9 would have to go through the bar, since the rear
10 entrance of the building is only accessible to
11 the bar.

12 With the new layout, now the rear entrance
13 of the building will be accessible to all six
14 building occupants, so that the parking space in
15 the back can actually be used by the occupants
16 and not solely by the bar.

17 In terms of life safety, the building right
18 now is fully sprinklered, and since the
19 sprinklers on the ground floor were configured
20 for assembly occupancy, the requirements are less
21 than for residential occupancy.

22 So, I do not expect that the sprinkler
23 system would have to be enlarged, thereby opening
24 Hudson Avenue and creating all sorts of problems
25 with paving the street -- you know, and that all

1 hoopla.

2 So, the -- the application meets the
3 positive criteria and it's also -- it fully lies
4 with the intent of the Master Plan and the Zoning
5 Ordinance.

6 VICE CHAIRMAN BONACCI: Great.

7 Thank you, Mr. Izquierdo.

8 I don't -- I don't have any more questions.
9 Members of the Board?

10 MR. GRULLON: Mr. Izquierdo, the
11 preexisting parking, could you compare that from
12 the previous -- you know, the -- when they had
13 the bar and what you're proposing now?

14 MR. IZQUIERDO: The exist -- the -- the bar
15 requires one space for every 300 square feet.
16 No, actually, one for every three seats. And
17 when you calculate the occupancy of the entire
18 bar and whatever, I believe that you end up --
19 you end up with a deficiency of 23 parking
20 spaces.

21 The new application requires only 3.6
22 parking spaces, so the net gain in the
23 application is that the deficiency is reduced by
24 a factor of 20.

25 Additionally, these apartments -- this

1 property actually lies so close to the Union City
2 Post Office, which is evident -- which is where
3 all the buses to New York actually meet there and
4 then they leave there, so there's plenty of
5 public transportation.

6 There's accessibility also to the -- to the
7 light rail on 48th Street.

8 So, parking I don't think should be a
9 problem for any of these units.

10 MR. GRULLON: Thank you.

11 I don't have any more questions.

12 VICE CHAIRMAN BONACCI: Anybody from the
13 Board?

14 I'll open up to the public.

15 Members of the public, if anybody would
16 like to have a -- make a comment or have any
17 questions in regards to this application?

18 Okay.

19 Closed to the public.

20 Okay.

21 Being that the new plans, positive impact
22 on the healthy -- the health, safety and welfare
23 of the residents of the City; there doesn't seem
24 to be any substantial impact on traffic and it
25 meets the purposes of the Municipal Land Use Law.

1 So with that, I'd like to make a motion to
2 grant the application.

3 THE SECRETARY: Motion on the table to
4 grant the application by Mr. Bonacci.

5 MR. PANEQUE: Mr. Vallejo, before we take a
6 vote, I just want to establish for the record
7 that we have a certification, which has been
8 executed by member David W. Pressey, indicating
9 that he read the transcripts of the previous
10 Zoning Board meetings, with respect to this
11 application.

12 And even though he was not present, Mr.
13 Pressey, based on the fact that you read those
14 transcripts, you are allowed to vote on this
15 application, --

16 MR. PRESSEY: Yes.

17 MR. PANEQUE: -- as you're familiar with
18 the facts.

19 Thank you, sir.

20 THE SECRETARY: Thanks, sir.

21 Motion by -- to approve this application by
22 Mr. Bonacci.

23 Any second the motion?

24 MS. GUTIERREZ: Second.

25 THE SECRETARY: Second by Ms. Gutierrez.

1 Roll call on the motion.

2 Mr. Bonacci?

3 VICE CHAIRMAN BONACCI: Yes.

4 THE SECRETARY: Ms. Gutierrez?

5 MS. GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Grullon?

7 MR. GRULLON: Yes.

8 THE SECRETARY: Mr. Pressey?

9 MR. PRESSEY: Yes.

10 THE SECRETARY: Mr. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Five in favor.

13 Motion carries.

14 MR. IZQUIERDO: Thank you.

15 MR. HERNANDEZ: Thank you very much.

16 Mr. Paneque, you prepare the Resolution?

17 MR. PANEQUE: Yes, sir.

18 MR. HERNANDEZ: Okay.

19 Thank you very much.

20 That will be taken up December 13th?

21 MR. PANEQUE: We hope.

22 Yes, it will.

23 MR. HERNANDEZ: Okay.

24 Thanks.

25 MR. PANEQUE: I'll try.

1 **Farouk Sheikh - 912 Palisade Avenue:**

2

3 THE SECRETARY: Are you ready, Mr. Rendo?

4 Next application on tonight's agenda,

5 Farouk Sheikh, 912 Palisade Avenue.

6 Mr. Rendo, please?

7 MR. RENDO: Good after --

8 Good evening.

9 Carlos Rendo, Mulkay and Rendo, North
10 Bergen, New Jersey, representing the applicant.

11 Before we proceed with the application,
12 counselor, I believe that last time that my
13 partner appeared, there was an issue concerning
14 jurisdiction, as we didn't have enough members to
15 vote on the application.

16 I just want to make sure that the member
17 that was missing did read the transcripts, so we
18 could set the jurisdictional issue and we could
19 proceed today with that.

20 THE SECRETARY: You have a blank right
21 there.

22 MR. PANEQUE: No. Who was the member that
23 was missing? Mr. Pressey, also?

24 VICE CHAIRMAN BONACCI: Thank you.

25 MR. PANEQUE: We got -- give me one second

1 --

2 MR. RENDO: Sure.

3 MR. PANEQUE: -- Mr. Rendo and --

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

6 MR. PANEQUE: We have another one of these
7 -- okay.

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

10 MS. DILLON: Can you go off the record,
11 please?

12 MR. PANEQUE: Yes.

13 Off the record, please.

14

15 (Whereupon, the Board recessed from 6:49
16 p.m. to 6:51 p.m.)

17

18 MR. PANEQUE: We're back on?

19 MS. DILLON: Yes.

20 MR. PANEQUE: Okay.

21 Mr. Rendo, we've now clarified that Mr.
22 Pressey was the member that was not here for the
23 September meeting. However, he has read the
24 transcripts.

25 We're going to have him sign a

1 certification to that effect, so he will be able

2 --

3 MR. RENDO: Good.

4 MR. PANEQUE: -- to vote on your
5 application this evening.

6 MR. RENDO: Good.

7 Thank you very much, counselor.

8 MR. PANEQUE: Thank you.

9 MR. RENDO: Okay.

10 This is a continuation of the prior meeting
11 and there were several issues that were
12 outstanding that we'd like to address.

13 The first issue is the steep slope issue
14 and the de minimis encroachment over -- from a
15 balcony.

16 So, I'd like to bring up the site engineer
17 to testify.

18 I don't believe he's ever testified be --

19 MR. BLOOM: No, I haven't.

20 MR. RENDO: Okay.

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

23 MS. DILLON: Sir, please raise your right
24 hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. BLOOM: Yes.

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

5 MR. BLOOM: Dawson Bloom, B-L-O-O-M.

6 I'm with McLaren Engineering Group out of
7 Woodcliff Lake. The address is 530 Chestnut
8 Ridge Road.

9 MS. DILLON: Thank you.

10 MR. RENDO: Mr. Bloom, you have not
11 testified before this Board. Could you please
12 tell the Board your background?

13 MR. BLOOM: Certainly.

14 I have a both masters and bachelors degree
15 from the civil -- from New Jersey Institute of
16 Technology in civil engineering.

17 I am currently licensed in the State of New
18 Jersey. My license is in good standing. I've
19 been practicing here in the state for
20 approximately 25 years. I've appeared before
21 about 30 boards or so throughout the state.

22 VICE CHAIRMAN BONACCI: Thank you.

23 We accept your qualifications.

24 MR. BLOOM: Thank you.

25 MR. RENDO: Thank you very much.

1 Okay.

2 Mr. Dawson, were you able to review the
3 amended plans?

4 MR. BLOOM: I was.

5 MR. RENDO: Could you please testify for
6 the Board the issue concerning the balconies?

7 MR. BLOOM: Certainly.

8 And I'm going to use --

9 There we go. Let's see. This is not the
10 plan.

11 Found the correct plan here. That will be
12 easier to --

13 Here we go. Okay.

14 So, this is sheet A-110 in the set that's
15 dated -- it's dated, original date 12/12/2017.
16 And the latest revision date is 9/27/18,
17 revisions based on Board comments.

18 So, the question is the encroachment of the
19 balconies within -- into the steep slope areas.
20 The balconies encroach two foot ten inches into
21 the -- the -- that -- the 30 percent edge of the
22 steep slope area.

23 I will note two things, however.

24 The balconies are cantilevered off the
25 building. They have no -- they have no columns

1 coming down, so there's really no disturbance in
2 the steep slope area. And the actual -- the last
3 disturbance of the building is actually outside,
4 it's actually 12 foot two inches outside of the
5 steep slope.

6 So, while there's a technical encroachment
7 into the steep slope, there really is no
8 disturbance within that steep slope area.

9 MR. RENDO: Okay.

10 Do you have any questions?

11 That's all the questions I have for him.

12 VICE CHAIRMAN BONACCI: Do you have any
13 additional testimony?

14 MR. RENDO: I have the architect here --

15 VICE CHAIRMAN BONACCI: Okay.

16 MR. RENDO: -- also. And I have the
17 traffic engineer also.

18 VICE CHAIRMAN BONACCI: Okay.

19 We'll hear all the testimony, and then, I
20 guess, we'll save some of the questions --

21 MR. RENDO: Okay.

22 VICE CHAIRMAN BONACCI: -- for after we
23 hear everybody.

24 MR. BLOOM: Certainly.

25 MR. RENDO: Very good.

1 Okay.

2 My next witness will be the traffic expert.

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

5 MS. DILLON: Please raise your right hand.

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

8 MR. TAYLOR: I do.

9 MS. DILLON: If you could please state your
10 name and spell it for the record?

11 MR. TAYLOR: Yes.

12 Justin Taylor, T-A-Y-L-O-R.

13 MR. RENDO: Mr. Taylor, have you testified
14 before the Board before?

15 MR. TAYLOR: I have. It has been several
16 years, but I have testified this Board.

17 MR. RENDO: Okay.

18 You guys accept his qualifications?

19 VICE CHAIRMAN BONACCI: We accept your
20 qualifications.

21 Thank you so much.

22 MR. TAYLOR: Thank you very much.

23 MR. RENDO: Okay.

24 Mr. Taylor, could you address the one issue
25 concerning the -- the cars coming out of the

1 property?

2 MR. TAYLOR: Yes.

3 Subsequent to the previous submission of
4 the -- the application, we had a chance to take a
5 look at the -- the drive aisle and the parking
6 and how best we can configure this.

7 Now, given the fact that the lot is only 30
8 feet wide, there are constraints on how we can
9 layout the parking.

10 I'll take a step back because RSIS requires
11 2.1 spaces per unit, and we are proposing three
12 units, we come up with a parking requirement of
13 six spaces.

14 So, within the constraints of the site, we
15 were able to layout six parking spaces and meet
16 that RSIS requirement, by providing an angled
17 space at 40 degrees. To determine whether or not
18 the aisle is sufficient, we look to the Urban
19 Land Institute's publication, Dimensions of
20 Parking, which states that you would require --
21 for a 40 degree parking space, you would require
22 a total of 28 feet, or 17 foot projection by a
23 vehicle and an 11 foot aisle, which we were able
24 to achieve.

25 We also are proposing an area -- a shared

1 area in the back for these vehicles to be able to
2 turn around in that area, and then pull head out,
3 back out onto Palisades Avenue.

4 Now, I know there was also some concern
5 with our proximity to the pool, which is two
6 doors down. And in order to really -- there is
7 visibility along the front of the -- the
8 building, but to really improve the safety and
9 alert people that the vehicles are coming, we are
10 proposing a visual light that will detect
11 vehicles as they come up the -- the driveway to
12 alert the people on the sidewalk that there is a
13 vehicle approaching.

14 And we felt that the combination of all
15 that provides for the sufficient amount of
16 parking, but also safe parking layout for the
17 project.

18 MR. RENDO: So, Mr. Taylor, your testimony
19 is that there'll be a light at the entrance of
20 the property, alerting pedestrians that a car is
21 coming out.

22 MR. TAYLOR: That's correct.

23 MR. RENDO: Okay.

24 I have no further questions of this
25 witness.

1 Okay?

2 VICE CHAIRMAN BONACCI: Okay.

3 If we need questions for the traffic
4 expert, we'll save them for after.

5 MR. RENDO: Sure. We'll preserve it.

6 And the other issue that was outstanding
7 was concern by the neighbors as to an easement
8 between the properties.

9 We were able to reach out to the neighbors
10 and I'd like to present to counsel an -- an
11 adjoining property owner's agreement that -- that
12 we will not disturb that easement, build on that
13 easement, encroach on that easement.

14 We will -- the property owner and my client
15 have agreed to that.

16 So, I believe that issue is now moot. I
17 don't know if there's any property owners here
18 from the adjoining property that would like to
19 confirm that, but that was the agreement that we
20 entered into.

21 VICE CHAIRMAN BONACCI: Okay.

22 We'll open it up to the public after the --
23 the testimonies.

24 MR. RENDO: I have the architect.

25 MR. PANEQUE: Mr. Rendo?

1 MR. RENDO: Sure.

2 MR. PANEQUE: Just one second.

3 We're going to have this marked.

4 You don't have any exhibits marked so far

5 or --

6 MS. DILLON: I can tell you that.

7 Yes. We have A-1, which was a photo

8 exhibit.

9 So this would be A-2.

10 MR. PANEQUE: This will be marked as A-2.

11 MR. RENDO: Thank you.

12 MR. PANEQUE: Now, Mr. Rendo, is it the
13 intention of the parties to have this recorded in
14 the Register's Office?

15 MR. RENDO: Yes.

16 MR. PANEQUE: It is?

17 Okay.

18 So that will be a condition of the
19 Resolution, if this Board deems fit to approve
20 this.

21 MR. RENDO: Very good.

22 MR. PANEQUE: Okay.

23 That the agreement be recorded.

24 MS. DILLON: What is that dated?

25 MR. PANEQUE: It's dated -- it's not dated.

1 MS. DILLON: Oh, here.

2 MR. PANEQUE: Is it?

3 Okay.

4 MS. DILLON: Ten eleven.

5 MR. PANEQUE: Well, that's the date it was
6 signed, yeah, 10/11.

7 MS. DILLON: Okay.

8 MR. PANEQUE: Yeah, dated 10/11.

9

10 (Whereupon, Easement Dated 10/11/18, (2)
11 pages was received and marked as Exhibit A-2.)

12

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

15 MS. DILLON: Can I swear him?

16 MR. PANEQUE: Yeah, you can swear him in.

17 MS. DILLON: Okay.

18 Please raise your right hand.

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

21 MR. PEREIRA: I do.

22 MS. DILLON: If you could please state your
23 name and spell it for the record.

24 MR. PEREIRA: Christiano Pereira, from CPA
25 Architecture.

1 I'll give you a card.

2 MS. DILLON: Thank you.

3 MR. PEREIRA: You're welcome.

4 MR. RENDO: Did she swear you yet?

5 MS. DILLON: I did.

6 MR. PEREIRA: Oh, yes.

7 MR. RENDO: Oh, okay.

8 MS. DILLON: Yes.

9 MR. RENDO: All right.

10 MR. PEREIRA: Sworn in.

11 MR. RENDO: Okay.

12 Mr. Pereira, have you testified before this
13 Board before?

14 MR. PEREIRA: I have. I did prior, for
15 this application.

16 MR. RENDO: All right.

17 Mr. Pereira, you have amended the prior
18 plans?

19 MR. PEREIRA: Yes, I have.

20 MR. RENDO: Could you indicate to the Board
21 exactly what your realm of work was with the
22 plan?

23 MR. PEREIRA: Sure.

24 Good evening, Mr. Chairman, members of the
25 Board.

1 So, we -- we were here last and we heard a
2 few concerns. A lot of them dealing with the
3 property, adjacent property and access and
4 reaching out to the neighbors. So, as you -- as
5 you probably are reading through, so our neighbor
6 -- our -- the owner was able to reach out to them
7 and they got into an agreement of all the -- the
8 issues they had and concerns with.

9 The other issues pertain to parking. And I
10 think a lot of the concerns were how to get cars
11 in and out of this property, being that it's so
12 close to the swimming pool, and the concern of
13 cars backing out -- you know, was a big concern
14 to the Board.

15 So what we did is we went back and we
16 looked at how we could provide a layout where,
17 one, we had no tandem spaces, and two, that we
18 could allow this car to be able to turn around
19 and back out facing forward on -- on Palisade.

20 So, the only way to do that -- it's a 30
21 foot lot. So, we're -- we're lucky in that
22 sense, it's not a 25 foot lot, which is your
23 usual Union City. So, we had a 30 foot lot, but
24 we also had an easement that is -- you know, took
25 eight feet away from the property.

1 So, what we were able to do, as our traffic
2 engineer explained, we have an 11 foot aisle, and
3 we're able to park all the cars on 45 degrees,
4 except for the -- the front car, which is the
5 ADA, that has to be closest to the main entrance
6 of the building. We're able to park these cars
7 45 degrees and our intent was for these cars to
8 be able to park in and when they exit, to back
9 out and we left the space, as our traffic
10 engineer indicated, we have left the space at the
11 back of the property so the cars could pull in,
12 turn around and exit facing forward.

13 On top of that, we're proposing to install
14 a warning light, so that it allows -- you know,
15 pedestrians that are walking -- you know, on the
16 sidewalk, to -- to know that there's a car coming
17 out.

18 So, as our traffic engineer indicated, that
19 would be triggered by a motion sensor or a -- or
20 a plate, I mean, we haven't decided which one,
21 but you know, that would activate that light and
22 that light will let people know that there's a
23 car coming.

24 So those were the -- the main changes
25 really we did to the building were at the ground

1 floor. The upper floor plans are essentially the
2 same. We haven't changed any of the layouts that
3 -- that we have prior testimony in.

4 And the only other changes we did were to
5 the elevations. The Board requested that we
6 would clarify the finishes. So what we did is
7 just to -- to clarify, we --

8 And we can mark this as an exhibit, if
9 you'd like.

10 -- but we produced a finish board, just to
11 give the Board a sense of -- of the materials
12 that we're using there.

13 If the Board is familiar, we're also the
14 architects of 801 Palisade, so the finishes here
15 -- you know, we discussed with our clients, they
16 wanted to follow -- you know, very close to what
17 we had done down there.

18 So, we have a -- you know, we have a dark
19 brick, which is indicated on the plans by -- you
20 know, by brick. We have a hard stucco. It's not
21 an EIFS. It's a hard stucco, much like 801
22 Palisades.

23 And then, we have a siding.

24 The front of the building, we wanted a
25 metal finish that would look like a tongue in

1 groove board, but we didn't want the wood -- the
2 real wood look because -- the real wood, because
3 it would -- you know, not hold up as much to the
4 weather. So, we're proposing -- there are a lot
5 of materials out on the marketplace now. This is
6 a metal siding that would not fade, it would not
7 change colors, it would not shrink, would not --
8 you know, decay, so that we could get that look -
9 - you know, that nice, sharp look throughout the
10 life of the building.

11 So, in essence, we have these three
12 materials. And in the side of the property, in
13 the back of the property, we have a vinyl siding
14 that would match this in color, but not in
15 texture.

16 So, the -- the two elevations, the
17 elevation that faces the easement and the
18 elevation that faces Palisade will essentially
19 have these three materials you see here.

20 The other elevations, we have the vinyl
21 siding and a finished face block, which are the
22 two stair shafts that we have. And that's
23 essentially it. So, I think -- you know, this --
24 between this and the notes on the drawings, I
25 think we clarify to the Board what -- what

1 finishes we intend on using.

2 MR. RENDO: Thank you.

3 MR. PEREIRA: You're welcome.

4 MR. RENDO: That concludes our testimony
5 for today.

6 VICE CHAIRMAN BONACCI: Okay.

7 Before I start with my questions, I just
8 wanted to thank you guys for clarifying some of
9 the issues with regards to the traffic that we
10 had last meeting, and the building materials that
11 will be used.

12 So, I want to thank you guys for clearing
13 that up.

14 I just need to ask your first witness a
15 little bit about that balcony.

16 MR. RENDO: Mr. Bloom?

17 MS. DILLON: You can go right in front of
18 that microphone.

19 MR. RENDO: Back over here.

20 MR. BLOOM: Oh.

21 VICE CHAIRMAN BONACCI: Just a quick
22 question, with regards to the balcony.

23 MR. BLOOM: Um hum.

24 VICE CHAIRMAN BONACCI: So, each one of the
25 units, three bedroom units will have this balcony

1 | that's located towards the rear of the building.

2 | MR. BLOOM: That is correct.

3 | VICE CHAIRMAN BONACCI: Okay.

4 | Now, how many feet approximately does the
5 | balcony stick out?

6 | MR. BLOOM: It's -- let me real quick.

7 | VICE CHAIRMAN BONACCI: Eight -- eight feet
8 | total?

9 | MR. PEREIRA: It's eight. Eight feet.

10 | MR. BLOOM: No, eight --

11 | MR. PEREIRA: From the face of the
12 | building.

13 | MR. BLOOM: Eight feet from the face of the
14 | building.

15 | VICE CHAIRMAN BONACCI: Okay.

16 | Currently, the structure now, is there a
17 | balcony there now, or no, this would be added on?

18 | MR. BLOOM: I believe it's added.

19 | Correct?

20 | MR. PEREIRA: Yeah.

21 | MR. BLOOM: Yeah. It will be added.

22 | MR. RENDO: Just, bringing up the
23 | architect.

24 | MS. DILLON: Just --

25 | VICE CHAIRMAN BONACCI: Okay.

1 MS. DILLON: -- right over here.

2 MR. RENDO: For the record.

3 VICE CHAIRMAN BONACCI: So that's -- that's
4 new construction, the balcony.

5 MR. PEREIRA: It's new construction. Yeah.

6 VICE CHAIRMAN BONACCI: Okay.

7 MR. PEREIRA: The entire building is new
8 construction.

9 VICE CHAIRMAN BONACCI: Since you're up
10 here, the building now, there's three units and
11 it's three floors.

12 MR. PEREIRA: The existing building on the
13 site?

14 VICE CHAIRMAN BONACCI: Right.

15 MR. PEREIRA: I don't believe so. I
16 believe that's --

17 MS. DILLON: You know what, Mr. Pereira, if
18 you're going to --

19 MR. PEREIRA: Yeah. Yeah.

20 MS. DILLON: If you -- if you need to go to
21 the plans, let's put this back on.

22 MR. PEREIRA: Sure.

23 MS. DILLON: Okay?

24 MR. PEREIRA: Thank you.

25 Yeah. The existing building is a two story

1 frame dwelling, and I -- I am not sure -- it is a
2 two family right now. It's two units.

3 VICE CHAIRMAN BONACCI: So, it's two
4 stories.

5 MR. PEREIRA: Right.

6 VICE CHAIRMAN BONACCI: And it's two
7 families.

8 MR. PEREIRA: Correct.

9 VICE CHAIRMAN BONACCI: And in those two
10 family units, what's the bedroom count?

11 MR. PEREIRA: I believe they're all three
12 bedrooms.

13 Did you happen to know --

14 Yeah. I don't know. I have not been
15 inside the property.

16 VICE CHAIRMAN BONACCI: So, possibly three
17 bedrooms.

18 MR. PEREIRA: Possibly three bedrooms.

19 VICE CHAIRMAN BONACCI: So, that's a total
20 of six bedrooms.

21 MR. PEREIRA: Yes.

22 VICE CHAIRMAN BONACCI: If it -- if it is a
23 three bedroom.

24 MR. PEREIRA: Right.

25 VICE CHAIRMAN BONACCI: So now you guys

1 | would be adding an extra floor to make it a three
2 | story building.

3 | MR. PEREIRA: Well, it's -- we're
4 | demolishing the existing structure. So --

5 | VICE CHAIRMAN BONACCI: Right.

6 | MR. PEREIRA: -- this is a brand new --
7 | it's a brand new structure.

8 | VICE CHAIRMAN BONACCI: Okay.

9 | And the brand new structure would be three
10 | stories.

11 | MR. PEREIRA: The new structure is three
12 | stories over the parking level.

13 | VICE CHAIRMAN BONACCI: Three --

14 | MR. PEREIRA: So, it's a four story -- four
15 | story total.

16 | VICE CHAIRMAN BONACCI: I don't know. Mr.
17 | Spatz is not here.

18 | But my question for him would be if four
19 | stories is permitted in that zone.

20 | MR. PANEQUE: The answer, Mr. Bonacci, is
21 | actually in his memo.

22 | VICE CHAIRMAN BONACCI: Right.

23 | MR. PANEQUE: Where he has point number
24 | ten.

25 | VICE CHAIRMAN BONACCI: Um hum.

1 MR. PANEQUE: He says, maximum building
2 height of three stories and 40 feet is allowed.
3 The proposed four story building will have a
4 height of 45 feet, which does not conform.

5 So, the applicant needs a D-6 height
6 variance.

7 VICE CHAIRMAN BONACCI: Got you.

8 MR. PANEQUE: It will also be -- it would
9 be height, as well as number of stories.

10 VICE CHAIRMAN BONACCI: Okay.

11 So, height and stories.

12 And not to mention that if -- if it's going
13 to go from two family to three family, then
14 you're -- we're increasing the density of the
15 building overall. So, that's another change.

16 MR. PEREIRA: Right. Two --

17 Sorry.

18 MR. PANEQUE: Yeah.

19 If I may?

20 The -- according to Mr. Spatz memo, and I'm
21 answering for him because he's not here --

22 VICE CHAIRMAN BONACCI: Right.

23 MR. PANEQUE: -- tonight, three family
24 dwellings are permitted in the zone.

25 MR. PEREIRA: Right.

1 MR. PANEQUE: So, there is no need for a
2 use variance with respect to the use that's being
3 requested.

4 VICE CHAIRMAN BONACCI: Okay.

5 MR. PEREIRA: Right.

6 VICE CHAIRMAN BONACCI: Just for the height
7 and for the stories.

8 MR. PANEQUE: The height, the stories, as
9 well as the -- the --

10 VICE CHAIRMAN BONACCI: Is there a -- is --

11 MR. PANEQUE: There's a maximum lot
12 coverage, that conforms.

13 MR. PEREIRA: Right.

14 MR. PANEQUE: The -- the side yards.

15 VICE CHAIRMAN BONACCI: Rear, side and
16 height.

17 MR. PANEQUE: Yup.

18 VICE CHAIRMAN BONACCI: And parking.

19 MR. PANEQUE: Does not conform.

20 VICE CHAIRMAN BONACCI: So --

21 MR. PANEQUE: So we have rear yard, side
22 yard, height and parking.

23 VICE CHAIRMAN BONACCI: Okay.

24 With regards to the rear yard setback --

25 MR. PEREIRA: Um hum.

1 VICE CHAIRMAN BONACCI: So rear yard
2 setback does not conform, and then you got that
3 Palisade Overlay thing going on there.

4 MR. PEREIRA: Right.

5 So, let me try and clarify the -- the
6 variances we have and -- and I almost feel like I
7 should -- you know, also try to compare this to
8 -- to the new Master Plan and what the Master
9 Plan is referring to on the -- on the three
10 family structures.

11 So, in essence, the -- let's start with the
12 -- the rear yard.

13 The rear yard we are proposing is 40 feet
14 on the ground floor. So, we're required to have
15 25 percent of the lot depth, which is -- would be
16 40 feet. So, we comply with that.

17 So, the only variance, and -- and we're
18 being careful here, is what we just explained
19 regarding the balconies. So, the balcony is
20 projecting two foot ten beyond that, but we --
21 you know, we, in essence, as the building touches
22 the ground, we comply with the -- with the
23 backyard or the rear yard requirement.

24 The side yards, we are required to have
25 five feet total. We have eight feet and the

1 | issue we have here is, of course, the easement.
2 | So, we have an eight foot easement, so we're
3 | complying -- you know, we're leaving that full
4 | eight foot.

5 | And on the other side, where -- you know,
6 | you are required -- we're required to provide two
7 | foot on one side and five total, on that one
8 | side, on the south side of the property, we're at
9 | zero feet, only where our stair shafts are. But
10 | most of the building is set back three foot one.

11 | So you know, where the two stair shafts
12 | are, we're at zero, but we're at three foot one
13 | on the other ones.

14 | The front -- the front, we comply. And the
15 | height -- so the height requirement here is, as
16 | you mentioned, is three stories, 40 feet. We are
17 | providing -- we are proposing four stories, 43
18 | foot eight. So, in essence, we're -- you know,
19 | we're three foot eight above, which is a de
20 | minimis -- de minimis exception. And just
21 | pointing back to your new Master Plan -- you
22 | know, we'll be -- I guess, what the -- the Master
23 | Plan has found is that we -- you'll be allowing
24 | four stories and 45 feet. So, we will certainly
25 | comply with that, as well.

1 In terms of maximum building coverage, we
2 are required a maximum building coverage of 60
3 percent and we're proposing 50.

4 In reference to lot coverage, we are
5 required 85 percent and we're proposing 80. So,
6 we're below those, as well.

7 So you know, all -- the variances we're
8 here for is really -- you know, de minimis
9 height, we're three foot eight above what we're
10 required. Of course, a full floor, so it's a
11 D-6, but -- you know, we do, I guess, comply to
12 the intent of the new Master Plan with four
13 stories, 45 feet.

14 I think our parking arrangement worked out
15 great. We have no tandem spaces. We're able to
16 turn around and cars can exit safely.

17 So, I -- I really believe that this
18 application really follows what the Master Plan
19 intends to do to the best we could.

20 So, I'll leave it at that.

21 VICE CHAIRMAN BONACCI: Yeah. I just --
22 the two issues I have is the zero foot side yard.
23 I know that you said that it's on the side where
24 you have the stairs.

25 MR. PEREIRA: Um hum.

1 VICE CHAIRMAN BONACCI: But zero foot
2 anything is a little scary -- you know, when we
3 get to the issue of the safety standards and
4 things like that.

5 MR. PEREIRA: Um hum.

6 VICE CHAIRMAN BONACCI: The other issue
7 that I have, which is -- you know, sort of a big
8 issue, is taking it from a two story building to
9 a four story building. Now, I understand one of
10 those stories is going to be a parking -- you
11 know. So, it's going to be three stories on top
12 of the four.

13 But you know, if this Board approves a four
14 story building in an area where there's only two
15 stories, then there's a domino effect of we
16 opened up that can of worms and we could have
17 other applications coming in the same area.
18 Everybody wants to put four stories on Palisade
19 Avenue.

20 And you know, especially it being near a
21 municipal pool, that sees a heavy amount of
22 traffic, that's a concern that I think that this
23 Board needs to take into consideration, is that
24 right now, what's currently sitting there is two
25 stories. And you don't want to go from two

1 | stories to three stories, you want to go from two
2 | stories to four stories. So that's -- that's
3 | jumping it up quite a bit.

4 | And you know, somebody could purchase the
5 | property next door and then they want to make it
6 | four stories, too.

7 | MR. PEREIRA: Um hum.

8 | VICE CHAIRMAN BONACCI: And then, the
9 | neighbor after that, they want to make it four
10 | stories, too.

11 | MS. DILLON: Just hold on, Mr. Bonacci.
12 | I'm sorry.

13 | VICE CHAIRMAN BONACCI: Sure.

14 | MS. DILLON: Just let the siren pass.

15 | VICE CHAIRMAN BONACCI: Oh.

16 | MS. DILLON: It's drowning you out.

17 | VICE CHAIRMAN BONACCI: So, I don't know if
18 | you guys understand my concern with if we allow
19 | them to go from two stories to four stories, we
20 | might be seeing -- you know, the whole block
21 | coming in for applications where they previously
22 | had a two story building, and now -- you know,
23 | we're increasing that whole block by two stories.
24 | And considering where it is, and that view of the
25 | city -- you know, do we really want a whole bunch

1 of four story buildings --

2 MR. RENDO: Right.

3 VICE CHAIRMAN BONACCI: -- on Palisade
4 Avenue?

5 MR. RENDO: Mr. Bonacci?

6 VICE CHAIRMAN BONACCI: Yeah.

7 MR. RENDO: If I may, just to save some
8 time.

9 We'll be willing to pull the application
10 now and try to redesign it, so it meets more of
11 the community standards.

12 VICE CHAIRMAN BONACCI: I was going to open
13 up to members of the public, to see if anybody
14 had any questions --

15 MR. RENDO: No. It's okay. We will
16 reserve on that.

17 VICE CHAIRMAN BONACCI: Okay.

18 MR. RENDO: And I think it's best to come
19 back and see if we could put together a better
20 plan.

21 VICE CHAIRMAN BONACCI: Okay.

22 MR. RENDO: Okay?

23 VICE CHAIRMAN BONACCI: No problem.

24 MR. RENDO: Thank you very much.

25 VICE CHAIRMAN BONACCI: So, we don't need

1 to make a motion on that.

2 Right?

3 MR. PANEQUE: No. Mr. Rendo, you're
4 withdrawing your application?

5 MR. RENDO: Yes, I am.

6 MR. PANEQUE: Okay.

7 MR. RENDO: Yes.

8 Very good.

9 THE SECRETARY: No action needed by the
10 Board.

11 MR. PANEQUE: No action needed.

12 MR. RENDO: Okay.

13 VICE CHAIRMAN BONACCI: Thank you.

14 THE SECRETARY: Withdrawing the
15 application.

16 MR. RENDO: I'm next, too. Bianca's on
17 vacation.

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

20 MR. PANEQUE: You want to take back your
21 agreement?

22 MR. RENDO: Sure.

23 Thank you.

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

1 **Pilot Digital, LLC - 207 New York Avenue:**

2

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

5 Next application on tonight's agenda, Pilot
6 Digital, LLC, 207 New York Avenue.

7 Mr. Rendo, please?

8 MR. RENDO: Yes.

9 Good afternoon.

10 Carlos Rendo, Mulkay and Rendo, North
11 Bergen, New Jersey, on behalf of the applicant.

12 This is application for a one family house
13 in Union City, at 207 New York Avenue, Lot 4,
14 Block 8.

15 And my expert is being mic'd.

16 Oh, providing for counsel jurisdictional
17 notices.

18 MR. PANEQUE: Thank you, sir.

19 VICE CHAIRMAN BONACCI: Thank you.

20 (Whereupon, there was a pause in the
21 proceedings.)

22 MR. PANEQUE: Let the record reflect the
23 following:

24 I've been provided by Mr. Rendo with a
25 certification, signed by Bianca Pereiras,

1 Esquire, indicating that notice of tonight's
2 hearing with respect to the property located at
3 207 New York Avenue, was sent to all property
4 owners within the 200 foot radius.

5 I've also been provided with a copy --
6 actually, it's the original Affidavit of
7 Publication from The Jersey Journal. Said
8 Affidavit has a copy of the notice that was
9 published, indicating that with respect to 207
10 New York Avenue, an application will be heard on
11 Thursday, 1st of November at six p.m. at 3715
12 Palisade Avenue.

13 I've also been provided with copies of
14 these -- keep on saying copies, but it's not,
15 originals, certified mail receipts, with a
16 postmark date of October 19th, 2018.

17 I've also been provided with the tax list,
18 provided by the Union City Tax Assessor's Office,
19 consisting of three pages, with a date of October
20 15, 2018, as well as a copy of the notice that
21 went out to all property owners within the 200
22 foot radius, as well as the green cards that have
23 come back to date and the envelopes that have
24 come back to date.

25 Based on the documentation that's been

1 provided, this Board has jurisdiction to proceed
2 and hear this matter.

3 MS. DILLON: Please raise your right hand.

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

6 MR. PEREIRAS: I do.

7 Manny Pereiras, P-E-R-E-I-R-A-S, with
8 Pereiras Architects Ubiquitous, 1116 Summit
9 Avenue, Union City.

10 MS. DILLON: Thank you.

11 MR. RENDO: And I believe Mr. Pereiras has
12 testified many times before this Board, so you
13 accept his qualifications?

14 VICE CHAIRMAN BONACCI: Yeah.

15 MR. RENDO: Yes.

16 VICE CHAIRMAN BONACCI: We accept your
17 qualifications.

18 MR. PEREIRAS: Thank you.

19 Good to see everyone.

20 MR. RENDO: Mr. Pereiras, tell us about the
21 project.

22 MR. PEREIRAS: I'd be very happy to.

23 I hope the Board has had a chance to pass
24 by New York Avenue on this block lately. You'd
25 see that at 203 New York Avenue, we have a

1 building that was just finished. It's a one
2 family house, little townhouse. It actually came
3 out absolutely gorgeous.

4 This is two lots over. We're looking to do
5 the same -- repeat the same thing right here.

6 So, the project I'm presenting to you is
7 the same project that this Board approved a few
8 months ago, same project that was constructed
9 next door. It's a beautiful little house.

10 We do have a lot of variances for you, and
11 that's a factor of the size of the lot.

12 We have a lot that's only 16 feet wide and
13 80 feet deep. So, that triggers two variances
14 right there, for lot width and lot depth, and of
15 course, for lot area, as well. We're at 1,280
16 square feet. So, we have those three existing
17 nonconformities for the size of the lot.

18 But what we're looking to do is simply a
19 one family house, so the minimum kind of
20 intervention into this lot.

21 We are providing very nice setbacks,
22 despite having a very small lot.

23 The front yard setback is 17 feet. We did
24 that purposefully, so that we could fit a car in
25 a front yard in the apron, so that we could have

1 one car parked there.

2 In the back, we have 11 foot two, so that
3 we have a decent size rear yard. That does
4 trigger another variance for rear yard setback.

5 We have variances for side yard, as well,
6 because two feet, and a total of five feet is
7 required. But of course, there's no room here.
8 We have a townhouse style. We're on the property
9 line, both on the -- on the east and the west.
10 We -- on the north and the south, we have zero
11 setback on the site.

12 And of course, we have building coverage.

13 We have such a small lot. We have a small
14 building, but we're still over the coverage by
15 five percent. We're at 65 percent, whereas 60 is
16 the -- the minimum.

17 The maximum lot coverage we are actually
18 complying with because we gave a lot of green
19 space to the front, and we're also adding a
20 little bit of landscaping along the front, so
21 that on both sides of the driveway, we created a
22 landscaping berm so that we could have some
23 plants there.

24 The site plan, and these are the same
25 drawings that were submitted to the Board that

1 I'm using. I'm starting with sheet Z01. It's
2 project number 18069 and it has a date of
3 completion of June 2018.

4 The site plan, you could see along the --
5 the south side, we have a stair. That stair
6 leads you up to the second floor level. And the
7 driveway, while -- with an apron that we're
8 proposing on New York Avenue.

9 I'm turning now to sheet Z02. In Z02, we
10 could see the three floors that we're proposing.
11 A very simple, three story house.

12 On the ground floor, we could see the car
13 that's parked in the apron and a car that's
14 parked inside.

15 If you take the stairs from the sidewalk
16 all the way up, you enter into the second floor,
17 and it's a complete contemporary open floor plan.
18 You walk into the building and you could see from
19 one end of the building all the way to the other
20 end, and it's an open floor plan where you have
21 living room, dining room and kitchen all the way
22 in the back, with a half bath along the side.

23 You could take stairs either up or down.
24 If you take the down stair, it leads you down to
25 the master bedroom on the lower level. This is

1 the same level as the -- the garage. And you
2 have that open to the rear yard. And then, that
3 has its master closet and master bath.

4 And then, from the main space, if you take
5 the stairs up, you're left to the kids rooms.
6 The two small bedrooms, one along the back and
7 one along the front. And they each have their
8 own walk-in closet and bathroom.

9 The façade, as I explained before, is the
10 same thing as what was built next to it. Very
11 simple, very clean, little townhouse look. It's
12 all brick from bottom to top. We have a nice
13 garage door, the stairs and a beautiful little
14 cornice along the top. And what we're looking to
15 do is to have a slightly different color brick,
16 just so that there's a variation between the
17 houses.

18 The back of the house is siding. The sides
19 of the house, since they're butted up against
20 each other, are built out of CMU block so that
21 it's very safe against fire. There's a two hour
22 fire separation, basically, between each of the
23 houses, the way we're building them, so that
24 there's a two hour plus a two hour, built up
25 against each other. So, it's very safe and those

1 walls actually extend up to have a parapet, so
2 it's extremely safe construction, so that the
3 devastation that was there before with the fire
4 wouldn't happen the same way. It would stop with
5 one house if something were to happen.

6 That concludes my testimony. Keeping it
7 open.

8 I'm open for your questions.

9 VICE CHAIRMAN BONACCI: Yeah, you know
10 what, Manny?

11 You actually hit on the points that I was
12 going to ask you about, which was -- you know,
13 previously that block, it got wiped out by the
14 fire. Now, you're getting a chance to -- you
15 know, make something that's a little safer. And
16 with the size of the lot, the use that you guys
17 are looking to put there, --

18 MR. PEREIRAS: Um hum.

19 VICE CHAIRMAN BONACCI: -- I think it fits
20 the small space. It's very low intrusive. It's
21 -- you know, one family dwelling. You're
22 providing the parking. So, you don't need a
23 variance for that.

24 So, I really don't have any questions for
25 you guys.

1 MR. RENDO: And a deviation would not
2 substantially outweigh any negative impact on
3 that.

4 MR. PEREIRAS: This -- this project, all
5 the -- the positive impact, if I may, definitely
6 outweighs the negative and it definitely follows
7 the Master Plan. So --

8 VICE CHAIRMAN BONACCI: Any questions from
9 members of the Board?

10 MR. GRULLON: Manny, the units on the south
11 and the north, of this application, are they
12 finished, are they constructed?

13 MR. PEREIRAS: Only one unit is finished.
14 The one unit that I designed and I got approved
15 to this Board and it was sold very recently and
16 they're, --

17 MR. GRULLON: Yes.

18 MR. PEREIRAS: -- I think the people are
19 actually moving in. It's -- it's great.

20 The other -- there's another lot that's
21 immediately next to the one that was built, which
22 we're coming before the Board next month, again,
23 so you'll see me presenting the same project
24 again next month.

25 And then, there's another two lots that I

1 think the owner is here in the audience today,
2 which are very different. They were done by
3 another architect and they -- it's -- I think
4 they're two family houses. They're -- they're a
5 different style. Those are under construction
6 and they're in the footing foundation stage.

7 MR. GRULLON: Is the unit that is finished,
8 the façade is the same, exactly?

9 MR. PEREIRAS: It's exactly the same. Same
10 façade.

11 MR. GRULLON: Okay.

12 MR. PEREIRAS: Same house in every way.
13 It's a copy and paste, just a little variation
14 we're going to do on the color.

15 VICE CHAIRMAN BONACCI: There's actually a
16 good chance that this side of the street -- you
17 know how the other side of the street, the
18 townhouses, they kind of mimic each other?

19 MR. PEREIRAS: So, we're going to have the
20 opportunity that three of these houses are going
21 to mimic each other. Those are the -- the three
22 that I was able to put my hand on.

23 VICE CHAIRMAN BONACCI: Right.

24 MR. PEREIRAS: The other two will not, but
25 they're -- I think it'll still work well.

1 VICE CHAIRMAN BONACCI: Okay.

2 Anybody else from the Board?

3 Members of the public?

4 Is there anybody?

5 Mr. Price?

6 MS. DILLON: Mr. Price, please raise your
7 right hand.

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

10 MR. PRICE: I do.

11 MS. DILLON: Please give your name and
12 address for the record.

13 MR. PRICE: Larry Price, 1006 Palisade.

14 MS. DILLON: Thank you.

15 MR. PRICE: Like most properties in Union
16 City, this one has a history behind it. It
17 burned in 2014. And then followed some
18 litigation. Actually, a lot of litigation.

19 In any case, I think this is an ideal
20 solution. You know, it's one family. It takes
21 into account the size of the lot. It's a well
22 designed house. I love the one next door.

23 I heard rumors that the one next door just
24 sold for eight or \$900,000.00.

25 Whatever.

1 But any case, through all this trauma,
2 we've gone -- this, when it finishes, is going to
3 be one of the nicest blocks in Union City. And
4 you know, despite all the handicaps.

5 So, I would -- I would urge your approval
6 of the application.

7 VICE CHAIRMAN BONACCI: Thanks, Mr. Price.

8 MR. RENDO: Thank you, Mr. Price.

9 VICE CHAIRMAN BONACCI: Any other members
10 of the public?

11 Okay.

12 Closed to the public.

13 You know, I just -- I would agree with Mr.
14 Price when -- you know, with some of his comments
15 that he made there. Look -- it looks like it's
16 going in the right direction -- you know, despite
17 -- you know, such a negative thing that happened
18 a few years ago.

19 So, your plan meets the purposes of the
20 Municipal Land Use Law and there doesn't seem to
21 be any substantial impact on the traffic, being
22 as though it's going to be a one family dwelling.

23 So with that, I would like to make a motion
24 to approve this application.

25 THE SECRETARY: Motion on the table to

1 approve this --

2 MR. GRULLON: Second.

3 THE SECRETARY: -- application by Mr.
4 Bonacci.

5 MR. GRULLON: Second.

6 THE SECRETARY: Second by Mr. Grullon.
7 Roll call on the motion.

8 Mr. Bonacci?

9 VICE CHAIRMAN BONACCI: Yes.

10 THE SECRETARY: Ms. Gutierrez?

11 MS. GUTIERREZ: Yes.

12 THE SECRETARY: Mr. Grullon?

13 MR. GRULLON: Yes.

14 THE SECRETARY: Mr. Pressey?

15 MR. PRESSEY: Yes.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Five in favor.

19 Motion carries.

20 MR. RENDO: Thank you, everyone.

21 Have a good night.

22 MS. GUTIERREZ: Good night.

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

25 MR. PANEQUE: One second, Bob. We'll be

1 right with you.

2 MR. MAYEROVIC: That's okay. That's okay.

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

5 MR. PANEQUE: Mr. Navarette?

6 MS. DILLON: Do you want to go off the
7 record?

8 MR. PANEQUE: Off the record, please.

9

10 (Whereupon, the Board recessed from 7:30
11 p.m. to 7:31 p.m.)

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1 **111 35th Street, LLC - 111 35th Street:**

2

3 THE SECRETARY: Debbie, ready?

4 MS. DILLON: Yes.

5 THE SECRETARY: May I have your attention,
6 please?

7 We are going to change a little bit the
8 order of tonight's agenda.

9 We are going to call 111 35th Street, LLC.

10 Mr. --

11 MR. NAVARETTE: Navarette.

12 THE SECRETARY: -- Navarette, please?

13 MR. NAVARETTE: Good evening, on behalf of
14 the applicant, Edgar Navarette, from the law firm
15 Alonso and Navarette.

16 At this time I'd like to --

17 MR. PANEQUE: Good evening, Mr. Navarette.

18 Mr. Navarette, we had a sidebar where I
19 indicated to you that because of time constraints
20 tonight, this Board is going to call your
21 application for the purposes of adjourning it.

22 So, we'll establish jurisdiction and then,
23 the matter will be carried.

24 The next meeting?

25 THE SECRETARY: December 13.

1 VICE CHAIRMAN BONACCI: December 13.

2 MR. PANEQUE: December 13.

3 If I may just have your jurisdictional
4 proofs?

5 For the record, I've been provided with the
6 following documentation:

7 I have an Affidavit, which is signed by Al
8 Alonso, indicating that notice of tonight's
9 hearing with respect to the property at 111 35th
10 Street was given to all property owners within
11 the 200 foot radius on or about October 18.

12 I also have --

13 VICE CHAIRMAN BONACCI: Thank you.

14 MR. PANEQUE: -- the Affidavit from The
15 Jersey Journal indicating that said notice was
16 published in The Jersey Journal on October 20th,
17 2018.

18 VICE CHAIRMAN BONACCI: Right. Right.

19 MR. PANEQUE: Said notice is for the
20 property at 111 35th Street, and it says that the
21 application will be heard tonight on November 1st,
22 2018 at 3715 Palisade Avenue.

23 I also have been provided with a copy of
24 the notice, as well as the tax list from the Tax
25 Assessor, consisting of five pages, with a date

1 of August 20th, 2018.

2 I've also been provided with the receipts
3 showing that they were postmarked on October 18th,
4 2018. These are the certified mail receipts.

5 Have the green cards come back? Do you
6 have those or --

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

9 MR. PANEQUE: Okay. More of these.

10 This might have been for a previous mailing
11 and that's why they're separated. These have a
12 date of September 14.

13 I'm talking about the -- the green cards.
14 If you don't have them now, Mr. Navarette, that's
15 not a problem. Just have Mr. Alonso bring them
16 at the next meeting. Those are the ones that
17 show that the -- the mail was received.

18 Based on the documentation that's been
19 provided, this Board does have jurisdiction to
20 proceed with this matter.

21 Since this Board has some time constraints
22 this evening, is there a motion to carry this
23 application to the December 13th meeting?

24 VICE CHAIRMAN BONACCI: I'll make a motion
25 to carry it to --

1 THE SECRETARY: Motion by Mr. Bonacci.

2 VICE CHAIRMAN BONACCI: -- December.

3 MS. GUTIERREZ: Second.

4 THE SECRETARY: Second by Ms. Gutierrez.

5 Roll call on the motion to adjourn this
6 application for December 13, 2018, no new notice
7 required.

8 Mr. Bonacci?

9 VICE CHAIRMAN BONACCI: Yes.

10 THE SECRETARY: Ms. Gutierrez?

11 MS. GUTIERREZ: Yes.

12 THE SECRETARY: Mr. Grullon?

13 MR. GRULLON: Yes.

14 THE SECRETARY: Mr. Pressey?

15 MR. PRESSEY: Yes.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Five in favor.

19 Motion carries.

20 Thank you.

21 MR. PANEQUE: Thank you, Mr. Navarette.

22 MR. NAVARETTE: Thank you.

23 Have a good night.

24 MR. PANEQUE: Good night.

25 MS. GUTIERREZ: Good night.

1 **3311 Pleasant Assoc., LLC - 3311 Pleasant Avenue:**

2

3 MR. PANEQUE: Mr. Mayerovic?

4 THE SECRETARY: Mr. Mayerovic?

5 Let's call the next application.

6 That will be 3311 Pleasant Association,
7 LLC, 3311 Pleasant Avenue.

8 Mr. Mayerovic, please?

9 MR. MAYEROVIC: Yes.

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

12 MR. MAYEROVIC: You have the certification
13 of -- this is what came back to date.

14 MR. PANEQUE: Yes.

15 For the record, I've been provided with the
16 following documentation:

17 I have a certification of mailing, which
18 has been signed by Robert M. Mayerovic, Esquire,
19 indicating that notice of tonight's hearing was
20 provided on three different dates via certified
21 mail to all property owners within the 200 foot
22 radius of 3311 Pleasant Avenue, Union City, New
23 Jersey.

24 I've also been provided with the Affidavit
25 of Publication from The Jersey Journal, with a

1 postmark date of -- posting date of October 15,
2 showing that notice of tonight's hearing for
3 November 1st, with respect to the property at 3311
4 Pleasant Avenue was given and the meeting
5 location is noted as 3715 Palisade Avenue.

6 I've also been provided with a copy of the
7 actual notice that was sent out, as well as the
8 --

9 MR. MAYEROVIC: There's an updated mailing
10 list because they have to be within three weeks
11 of the --

12 MR. PANEQUE: Yes.

13 MR. MAYEROVIC: -- hearing. I had older
14 ones and I got them updated.

15 MR. PANEQUE: This is the updated mailing
16 list with a date of October 15, 2018.

17 I've also been provided with the certified
18 mail receipts, and Mr. Mayerovic had previously
19 brought to my attention that the mailing was done
20 on three separate occasions, due to the size of
21 the package.

22 MR. MAYEROVIC: Yeah.

23 MR. PANEQUE: I've also been provided with
24 the green cards that have come back to date, as
25 well as the envelopes.

1 Based on the documentation provided, this
2 Board has jurisdiction to proceed and hear this
3 matter.

4 MR. MAYEROVIC: I'm going to go slightly
5 out of order, because Mr. Izquierdo has to be, I
6 believe, in West New York. So, if it would be
7 okay for me to take the -- my planner first.

8 MR. PANEQUE: I --

9 No objection.

10 Mr. Bonacci?

11 VICE CHAIRMAN BONACCI: Yeah. He's already
12 sworn in.

13 Right?

14 MR. IZQUIERDO: Yes.

15 MR. MAYEROVIC: Fine.

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

18 MR. MAYEROVIC: I'd like to qualify Mr.
19 Izquierdo as a planner.

20 VICE CHAIRMAN BONACCI: We accept your
21 qualifications.

22 MR. IZQUIERDO: Thank you, Mr. Bonacci.

23 MR. MAYEROVIC: Mr. -- I'm going to mark
24 this, I guess, P-1.

25 MS. DILLON: A-1?

1 MR. MAYEROVIC: A-1.

2 VICE CHAIRMAN BONACCI: A-1.

3 MS. DILLON: Planning Exhibit?

4 MR. MAYEROVIC: Yes.

5 MS. DILLON: Okay.

6

7 (Whereupon, Planning Exhibit was received
8 and marked as Exhibit A-1.)

9

10 MR. MAYEROVIC: Just briefly, I'll just
11 make two opening comments.

12 This is the property at 3311 Pleasant
13 Avenue in Union City, bordering on -- on
14 Weehawken. We were before this Board some time
15 in May. At that time, we withdrew the
16 application and we're -- we're back now again
17 before the Board.

18 We're looking to take a two family house,
19 corner house on the corner of Pleasant, to
20 convert it to a four family house. And I'll have
21 Mr. Izquierdo to go over the zoning data, if he
22 would.

23 MR. IZQUIERDO: Good evening, members of
24 the Board.

25 The Board gains jurisdiction of this

1 application because applicant wishes to take a
2 house that appears in the -- in the Building
3 Department records as a two family house,
4 although it has been used as a four family house
5 for many years now. But the four family house is
6 not an allowed use in the RM zone.

7 The property is located in the RM medium
8 density residential district and a D-1 building
9 use variance is required.

10 The lot area required is 5,000 square feet,
11 or 50 by a hundred, and the property is 41.2 by a
12 hundred. So, it needs a variance for lot area
13 and for lot width. These variances are created
14 because of the four family house, not for the --
15 not for the two family that it -- it's not a
16 preexisting nonconformity.

17 The lot depth required is a hundred feet,
18 which we have.

19 The front yard required is ten feet, and
20 actually, the existing structure is 18 feet to
21 the existing front yard. It's kind of like a
22 historical looking structure that Mr. Bona, the
23 architect, will go over that. But we comply with
24 the front yard.

25 The side yards required are six feet, or 12

1 feet on both. And on one side we have 12.5, on
2 the other -- on the other side we have 11.7. So,
3 for both side yards, we have 16 feet, which we
4 comply, but we require a C-1 for one of the
5 sides.

6 The property has the characteristic that it
7 has a number of little lots owned by the
8 Department of Transportation, I believe, which is
9 the right-of-way, and that would be Lot 8, Lot 9
10 and Lot 10 is actually a ten foot sliver of land
11 that runs north side -- west side, along 495.

12 The rear yard is 25 feet, which is 25
13 percent, and we have 25 -- 21 feet eight inches.
14 That's existing.

15 The building height is three stories or 40
16 feet, and we have four stories, just less of 50
17 feet. So, we have a D-6 variance that also gives
18 jurisdiction to this Board.

19 The lot coverage allowed is 75 percent.
20 We're at 71 percent.

21 And the building coverage is 60 percent and
22 we're at 40 percent.

23 So, essentially, all the variances are
24 existing because there's no new construction
25 generated.

1 However, the problem lies that the -- the
2 -- because of that ten foot easement, right-of-
3 way on the south of the -- on the north of the
4 structure, we can only provide one parking space,
5 whereas a total of 6.9 parking spaces would be
6 required. For the one bedroom, 1.8; for the two
7 two bedrooms, 4.0; and for the one three bedroom,
8 2.1; or a total of 7.9.

9 The property is located on the southwest
10 corner of the intersection of Pleasant Avenue and
11 South Marginal Highway 495. To the -- to the
12 east of us is actually the Township of Weehawken
13 and that is composed with a number of two
14 families, three families and four families.

15 On the triangular lot, block, which is
16 Block 201, which is where we're at, we have a
17 three family house, a four family house that's
18 three stories high, a nine family house that is
19 three stories high, a 14 family house that is
20 four stories high. We are a four story house,
21 four stories high. Our house next door is a one
22 family house, three stories high. There's a
23 vacant piece of land and the corner is a three
24 family house that is three stories high.

25 There are some condominiums, actually, the

1 Julianne Apartments are nearby, that's a multi-
2 family, three stories high. And there are a
3 number of four story high buildings. There are
4 some four stories, there are some three stories
5 and it's actually the site is very mixed, mostly
6 all residential in nature, there's no commercial
7 properties within that. There are some garages
8 and whatnot.

9 The site is hampered because it's divided
10 by Marginal Highway 495, that it is a barrier to
11 development and to continuity of the
12 neighborhood. So, the neighborhood, basically,
13 finishes and starts here.

14 Whereas only one parking space is provided,
15 the site, because of its configuration, lends
16 itself to people using mass transit. There are a
17 number of buses that travel through Pleasant
18 Avenue, a number of buses that travel down 495 on
19 the west to New York -- on the way to New York,
20 and also we are about maybe 200 feet away from
21 the Union City Post Office, which is where all
22 the buses go there no their way to New York.

23 MR. MAYEROVIC: I was just going to ask
24 you, there's actually a bus stop at the corner.
25 Those buses that stop at Union City Post Office

1 actually stop there on the corner.

2 Is that correct?

3 MR. IZQUIERDO: Correct.

4 MR. MAYEROVIC: So -- and so, you have a
5 bus every minute, literally, whether it's a van
6 or a bus.

7 MR. IZQUIERDO: Yeah. Well, I don't have
8 the schedule, but there -- there are plenty of
9 buses there.

10 The site is within walking distance to
11 shopping districts of Bergenline Avenue and of
12 New York Avenue, which would happen -- which
13 would happen to be the closest one.

14 So, the -- the conversion from -- from the
15 two family to the four family house has the
16 negative criteria of the parking, whereas only
17 one parking space can be provided. But actually,
18 providing only one parking space may seem to be
19 the best for this property, because that parking
20 space, the way it is existing, laid out, it would
21 have to back up onto Pleasant Avenue.

22 So, it's best to limit that -- that parking
23 space to be only for the -- for the use of
24 handicapped apartment on the ground floor and --
25 and no other parking is possible to be provided.

1 There are some properties within the 200
2 foot zone that provide parking, with particularly
3 Lot number 3, which is the nine family has a
4 parking lot in the basement. The Julianne
5 Apartments have parking in the back. Most of the
6 other houses and properties, the way they have
7 been developed is because of the triangular
8 configuration of the block, the parking spaces
9 are delegated to the remaining spaces that are
10 not built over by structures. And in our case,
11 that happens to be a one single parking space,
12 and that occurs to the north of us.

13 The positive criteria is that the units are
14 very large. The building would be renovated,
15 actually the -- the owner was astounded when he
16 discovered that it was not a four family house,
17 because I believe that it had even been used as a
18 five family house. And as the architect will
19 testify, the apartments are very large. The
20 apartments are original, and actually, the
21 building has two means of egress.

22 So, my first impression as an architect,
23 when I saw that layout, is I thought mistakenly
24 now that the house had originally been built as a
25 multi-family building, because it has two means

1 of egress.

2 But the fact remains that it appears in the
3 cutting card in the Building Department records
4 as a two family house. And this is a conversion
5 from a two family to a four family, being a D-1
6 use variance in the RM zone.

7 MR. MAYEROVIC: From a use planning, did
8 you -- am I correct that the average size -- and
9 you'll get that from the architect -- of these --
10 the new apartments is in excess of a thousand
11 square feet.

12 MR. IZQUIERDO: Yes.

13 MR. MAYEROVIC: Is that correct?

14 MR. IZQUIERDO: Yes. They're very large.
15 Yeah. The apartments are very large. The
16 architect will go over that.

17 MR. MAYEROVIC: And -- and by -- and in
18 creating the two new apartments, one in the
19 basement, one on the third floor, you're not
20 taking away from the size, or reducing the size
21 of the apartments on the first and the second
22 floor.

23 MR. IZQUIERDO: No --

24 MR. MAYEROVIC: Is that correct?

25 MR. IZQUIERDO: This is a turn-of-the-

1 century home that is very large and it has a very
2 imposing façade and it has the big front porch
3 and everything like that. So using it as a -- as
4 a two family house is only going to lead it to be
5 more like a rooming house because it has a lot of
6 bedrooms. Converting it to a four family house
7 actually furthers public policy of generating
8 apartments for the handicap, and it meets all the
9 -- all the criteria otherwise in the Zoning
10 Ordinance.

11 MR. MAYEROVIC: And the architect will talk
12 about it, but in the basement apartment we're
13 going to be providing handicap -- the apartments
14 themselves will be handicap accessible.

15 Is that correct?

16 MR. IZQUIERDO: Correct.

17 And the architect will testify that even
18 though he has no problems in generating
19 accessibility features for all of the interior of
20 the fourth unit, which is the one in the
21 basement, there's actually a physical impairment
22 for the handicap person to get to that apartment.

23 So, because of my knowledge of the Building
24 Department, I have spoken to the architect and I
25 believe that we will be filing a 20 percent

1 application, which means that if the handi -- if
2 the accessibility features that are to be
3 provided within the house, if any one of the
4 features exceeds 20 percent of the cost of all
5 the accessibility features, it can be waived.

6 And in our specific case, the only way to
7 get accessibility into that basement would be
8 through the side yard with the neighbor. But the
9 side yard with the neighbor is only four feet, I
10 believe, four feet five inches on the one side.
11 So, in -- in order to generate that, we would
12 have to underpin the house next door, we would
13 have to underpin this house and it's not
14 technically feasible.

15 There's another way of entering and gaining
16 accessibility to the apartment through the rear
17 stairs, but that has to be an application for the
18 20 percent waived and a variance for the -- for
19 the exact interpretations of the accessibility
20 standards.

21 MR. MAYEROVIC: Comparing the negative and
22 the -- can you do an analysis of the negative
23 versus the positive criterias?

24 MR. IZQUIERDO: The negative criteria of
25 this application is what brought us here on the

1 first time.

2 It was a two family house that was too
3 large. Nobody's suggesting that the house be
4 demolished. Nobody's suggesting that the house
5 be removed in volume. But the fact of the matter
6 is that it's a very large house and there's not a
7 market for that.

8 So, through -- through usage and the
9 market, the house has been used alternatively as
10 a four family and as a five family. Legalizing
11 the -- an affirmative action by this Board to
12 legalize this -- this application and legalize it
13 as a four family, brings -- brings up all the
14 positive Code criteria in terms of -- of taking
15 the entire building and sprinklering it and
16 building it up to -- to applicable Code standard.

17 The negative criteria remains that we have
18 only one parking space, but then in this case,
19 with the physical location of this property, this
20 might not be such a bad feature that we have only
21 one parking space.

22 I can not see eight parking spaces on this
23 property.

24 MR. MAYEROVIC: I'm going to go over this
25 with the architect, just so that the Board

1 understands that in this application, ultimately,
2 if you approve it, we're really not adding any
3 new bathrooms, we're not adding any new stairs to
4 the -- to the structure.

5 VICE CHAIRMAN BONACCI: Yeah. Let's go
6 with the architect.

7 MR. MAYEROVIC: Do you have any --

8 VICE CHAIRMAN BONACCI: We only have a few
9 questions for the architect anyway.

10 MR. MAYEROVIC: Okay. Fine.

11 MR. IZQUIERDO: I have nothing else.

12 VICE CHAIRMAN BONACCI: Yeah.

13 MR. MAYEROVIC: Do you have any questions
14 of Mr. Izquierdo?

15 VICE CHAIRMAN BONACCI: No. If we have
16 anything, we'll just come back. But I -- you're
17 good to go, I think.

18 Right?

19 You got to go somewhere?

20 MR. IZQUIERDO: I have to be in West New
21 York.

22 VICE CHAIRMAN BONACCI: Okay.

23 MR. IZQUIERDO: You don't mind?

24 VICE CHAIRMAN BONACCI: Do your thing. You
25 gave us enough testimony, I think.

1 MR. IZQUIERDO: Thank you, Mr. Bonacci.

2 VICE CHAIRMAN BONACCI: Thanks, Mr.

3 Izquierdo.

4 MR. MAYEROVIC: Thank you very much.

5 MR. PANEQUE: Mr. Mayerovic, do you have an
6 extra one of those plans?

7 MR. MAYEROVIC: I thought I gave these
8 plans.

9 MR. PANEQUE: We have the one that's been
10 marked as an exhibit.

11 MS. DILLON: No. We need the one that's
12 marked.

13 MR. MAYEROVIC: Oh. Okay. So --

14 MR. PANEQUE: I just need one for when I do
15 the --

16 MR. MAYEROVIC: Oh, is this -- is this the
17 one that he marked?

18 Here's the one that was marked. I got it.

19 I believe you have the survey there.

20 MR. PANEQUE: Right.

21 MR. MAYEROVIC: Am I correct?

22 MR. PANEQUE: Yeah. But I need the
23 planning -- was that the planning --

24 MR. MAYEROVIC: Yes.

25 He was supposed to bring a new one. It's

1 -- it's in the box. It's in the -- in his --

2 MR. PANEQUE: It's in his --

3 MR. MAYEROVIC: It's in his -- in his -- in
4 A-1.

5 MR. PANEQUE: Okay.

6 MR. MAYEROVIC: On the lower right hand
7 corner.

8 MR. PANEQUE: Yeah.

9 MR. MAYEROVIC: Just Mr. Bona, I would just
10 ask that you go through your qualifications.

11 MR. BONA: Certainly.

12 MS. DILLON: Wait. Let me --

13 MR. MAYEROVIC: Sorry.

14 MS. DILLON: Hold on.

15 (Whereupon, there was a pause in the
16 proceedings.)

17 MS. DILLON: Sir, please raise your right
18 hand.

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

21 MR. BONA: Yes, I do.

22 MS. DILLON: Could you please state your
23 name and spell it for the record?

24 MR. BONA: Yes. My name is Tomasz Bona.
25 T-O-M-A-S-Z is my first name, and B-O-N-A, my

1 last name.

2 MS. DILLON: Thank you.

3 MR. MAYEROVIC: I'll have him testify to
4 the plans.

5 Mr. Bona, I show you this document. And is
6 this a document that you prepared?

7 Correct?

8 MR. BONA: Yes, that's correct.

9 MR. MAYEROVIC: All right.

10 You want to mark -- you have that --
11 everyone has a copy, A-2.

12 MR. PANEQUE: We don't mark -- that's
13 already been --

14 MR. MAYEROVIC: Marked. Got it. Part of
15 the record.

16 MR. PANEQUE: That's already been
17 introduced as part of your packet.

18 MR. MAYEROVIC: Okay.

19 MR. BONA: Yes.

20 MR. MAYEROVIC: The photographs I give --
21 gave would be marked A-3, then, for the record?

22 MR. PANEQUE: No. That was part of your
23 packet also, right, when you --

24 MR. MAYEROVIC: Right. That's part of the
25 packet.

1 MR. PANEQUE: Yeah.

2 MR. MAYEROVIC: So it doesn't need a
3 marking?

4 MR. PANEQUE: Does not.

5 MR. MAYEROVIC: Okay.

6 Go ahead.

7 Go through the -- if you could -- if you
8 can describe what we're proposing and the size of
9 the apartments, first of all.

10 MR. BONA: Certainly.

11 Mr. Izquierdo provided very thorough
12 overview of the zoning and characteristics of the
13 neighborhood, as well as the property, so I think
14 we probably going to focus on the building
15 itself.

16 As Mr. Izquierdo mentioned, this is a --
17 going by current zoning standards, is a four
18 story structure, almost 50 feet tall. And it has
19 a very, very elegant façade, brick façade, facing
20 both Pleasant Avenue and the South Marginal
21 Highway.

22 It is -- the roof is slanted, so there's a
23 very tall attic. And it appears that the
24 building was originally positioned as a building
25 that has two internal staircases, which is

1 | visible on all the floor plans.

2 | So that setup with two staircases from each
3 | floor provides means of safe and secure exiting
4 | and egress from each of these floors. Those
5 | staircases extend all the way up to the top floor
6 | from the basement level.

7 | MR. MAYEROVIC: You're not proposing
8 | constructing any new staircases.

9 | Is that correct?

10 | MR. BONA: We are not modifying the
11 | building -- the way the building is used or the
12 | way it's positioned. The project is really
13 | limited to reconfiguration of the basement
14 | apartment, which seem to have a maze of different
15 | small undersized bedrooms. So, we're making it
16 | -- we're reducing the number of bedrooms and
17 | we're reconfiguring the -- the layout, as well as
18 | the bathroom to meet accessibility standards.

19 | MR. MAYEROVIC: With respect to the -- what
20 | I'll call the third floor apartment, or the to be
21 | -- to be third floor apartment, if approved, are
22 | there any renovations, internal renovations going
23 | to be done to that apartment?

24 | MR. BONA: By third apartment, meaning
25 | which level?

1 MR. MAYEROVIC: The third floor. The third
2 level.

3 MR. BONA: The top level?

4 MR. MAYEROVIC: Yes.

5 MR. BONA: Yeah. So, the -- the main
6 objective, the way it was presented to the
7 Building Department, reviewed with Building
8 Department representatives, they were really
9 concerned that since the building was positioned
10 as four family, it was deficient with -- with
11 respect to being four family, it falls under
12 commercial Building Code, which is R-2 occupancy,
13 so it really requires a sprinkler system. And
14 that was the main recommendation from the
15 Building Department was to provide a sprinkler
16 system for the entire building, which -- which
17 the applicant proposed to meet that requirement.

18 MR. MAYEROVIC: Okay.

19 And again, but other than that, in terms of
20 reconfiguring, redesigning rooms or staircases on
21 the third floor, nothing is being done.

22 Is that correct?

23 MR. BONA: There is essentially no changes,
24 no -- none -- no partitions are being moved on
25 the upper three levels.

1 MR. MAYEROVIC: And so the only --

2 MR. BONA: There are some minor
3 improvements to the integrity of the staircase
4 fire barrier construction, as well as some minor
5 adjustments to the continuity of handrails. And
6 -- and that was essentially the only comment that
7 we received from the Building Department as far
8 as deficiency, considering what can be done in
9 the existing building as is.

10 MR. MAYEROVIC: And so, the main structural
11 changes will be going to what will be the
12 basement apartment.

13 MR. BONA: And those are nonstructural
14 changes. We're not changing -- we're not
15 altering the building superstructure, we're
16 moving internal --

17 MR. MAYEROVIC: Cosmetic walls.

18 MR. BONA: We're moving internal
19 partitions that are nonbearing.

20 MR. MAYEROVIC: Nonbearing.

21 VICE CHAIRMAN BONACCI: Allow me if I may?

22 MR. MERHEB: Yes.

23 VICE CHAIRMAN BONACCI: So, the sprinkler
24 system requirement that the Building Department
25 proposed, that's being met.

1 Right?

2 MR. MAYEROVIC: Is that correct, Mr. --

3 MR. MERHEB: Yes, sir.

4 VICE CHAIRMAN BONACCI: Okay. Great.

5 And --

6 MS. DILLON: I'm sorry. Your name for the
7 record?

8 MR. MAYEROVIC: Mr. -- Mr. Merheb.

9 MR. MERHEB: Mr. Merheb, my name.

10 MS. DILLON: Okay.

11 MR. MERHEB: I'm the owner of that --

12 MS. DILLON: I need to swear him in.

13 MR. MERHEB: -- property, 30 --

14 MS. DILLON: Just right in front of the
15 microphone, sir.

16 MR. MERHEB: Oh, I'm sorry.

17 MS. DILLON: Please raise your right hand.

18 Do you affirm the testimony you're about to
19 give this Board --

20 MR. MERHEB: My name is Adel Merheb, --

21 MS. DILLON: -- is the whole truth?

22 MR. MERHEB: M-E-R-H-E-B.

23 MS. DILLON: You need to accept the oath.

24 Do you affirm that you will tell the truth?

25 MR. MERHEB: Yes, I do.

1 MS. DILLON: Okay.

2 Now spell your name for me.

3 MR. MERHEB: My name is Adel Merheb,
4 A-D-E-L, M-E-R-H-E-B.

5 MS. DILLON: Okay.

6 Thank you.

7 VICE CHAIRMAN BONACCI: Okay.

8 So, the sprinkler system requirement from
9 the Building Department, that's being met.

10 MR. MERHEB: Yes.

11 VICE CHAIRMAN BONACCI: Okay.

12 Excellent.

13 And for the architect, could you just tell
14 us how many square feet each one of the units
15 will be?

16 MR. BONA: Yes.

17 The overall square footage of the building
18 on all four floors is about 5500 square feet.
19 The lowest level apartment, square footage is --
20 it's -- the basement level itself is over 1600
21 square feet.

22 However, the areas that you see in gray
23 provide some of the building system utility rooms
24 and storage area, so they're excluded from the
25 area of the apartment alone, so that the

1 apartment is about 1400 square feet on the lowest
2 level.

3 VICE CHAIRMAN BONACCI: Right.

4 MR. BONA: The first floor and second floor
5 apartments are also approximately 1400 square
6 feet.

7 And the attic level, or the fourth floor
8 apartment that's under the roof is about 1100
9 square feet.

10 VICE CHAIRMAN BONACCI: Okay.

11 Thank you so much.

12 That's it.

13 I don't have any more questions.

14 Members of the Board?

15 MR. GRULLON: Mr. Bona, on the bedroom --
16 the bedroom count for each of the apartments?

17 MR. BONA: Yes. The -- the basement -- the
18 lowest level apartment is three bedroom and I --
19 I believe it was five bedroom, from our
20 observations when we came to visit the site.

21 The -- the main level, the first floor
22 apartment is two bedroom. And the second floor
23 apartment is also two bedroom. And the -- the
24 third floor is a one bedroom.

25 MR. GRULLON: Thank you.

1 MR. MEDINA: I have a question.

2 MR. MERHEB: Three bedroom. Three bedroom
3 each.

4 MR. BONA: What's that?

5 MR. MERHEB: The first floor is three
6 bedroom. Six -- five -- five apartment. And the
7 second floor is a three bedroom. It's -- and
8 two. All over the top floor is two bedroom.

9 VICE CHAIRMAN BONACCI: He knows.

10 MR. MERHEB: It's already there. You
11 cannot change it.

12 VICE CHAIRMAN BONACCI: He knows. It's his
13 place.

14 MR. MERHEB: You can even make four
15 bedrooms over there, because you have six rooms.

16 VICE CHAIRMAN BONACCI: So you guys are
17 going from two family to four family.

18 MR. MAYEROVIC: Two family to four family.

19 VICE CHAIRMAN BONACCI: Okay.

20 And then, tax records indicate that at one
21 time --

22 MR. MERHEB: Four family.

23 MR. MAYEROVIC: It was a five family.

24 MR. MERHEB: Five family.

25 VICE CHAIRMAN BONACCI: Right. But you're

1 just going from two to four.

2 MR. MERHEB: Right.

3 MR. MAYEROVIC: That's correct.

4 VICE CHAIRMAN BONACCI: Okay.

5 Seems pretty --

6 MR. MEDINA: I have a question.

7 So you convert two to four. Right? And it
8 is not going to be external necessary to build or
9 --

10 MR. MAYEROVIC: Nothing is going to be --

11 MR. MEDINA: -- demolition?

12 MR. MERHEB: Nothing.

13 MR. MAYEROVIC: Nothing is --

14 MR. MEDINA: It's going to be intact.

15 MR. MAYEROVIC: Everything -- the building
16 as you see it is staying exactly the same.
17 Nothing to the exterior.

18 MR. BONA: There's only one modification
19 also requested by the Building Department. Some
20 of the basement level, the lowest level windows,
21 which are located facing the neighbor in the
22 back, do not meet requirements of the -- of the
23 window sill elevation.

24 So, we're making them few inches taller to
25 meet the egress requirements from the bedrooms.

1 | However, there is really no visual implications
2 | of it from the -- from any of the street sides.
3 | That's the only --

4 | MR. MEDINA: All right.

5 | MR. BONA: -- modifications that has to do
6 | with the -- with the exterior.

7 | MR. MEDINA: Just to clarify that because I
8 | counted the windows.

9 | That's okay.

10 | Thank you.

11 | VICE CHAIRMAN BONACCI: Members of the
12 | public?

13 | MR. PRICE: Still Larry Price, still sworn.

14 | MS. DILLON: Thank you.

15 | MR. PRICE: Just a quick comment.

16 | You know, in theory, an application for
17 | change in the -- for an old building is the same
18 | as an application for a new building. As a
19 | practical matter, that's kind of dumb, I think.

20 | The -- they have, what I think, is a very
21 | elegant, very old building here, which is very
22 | large and is sort of -- time has sort of passed
23 | it by. But we would never, at least I hope we
24 | would not, ever approve this as a new building,
25 | but you've got an existing building that I think

1 is worth preserving.

2 Okay.

3 Well, what are the alternatives?

4 Well, the alternative is you could approve
5 a three family and say you got to combine the
6 attic and the third floor, or something.

7 But the building is so large -- I mean,
8 that would be a 2,000 square foot apartment. No
9 market for 2,000 square foot apartment.

10 So, a -- what they're asking for -- I mean,
11 as a practical matter, what are the alternatives?

12 You could leave it as two. You could
13 approve it as three. You could approve it as
14 four. But if you do the first two, maybe the
15 gentleman to my left tears the building down and
16 puts up new construction, and I think that would
17 be a mistake.

18 So, my recommendation would be approve the
19 application. It's not perfect, but life isn't
20 perfect.

21 MR. MERHEB: Thank you.

22 MS. GUTIERREZ: Thank you.

23 MR. MAYEROVIC: Thank you very much.

24 VICE CHAIRMAN BONACCI: Anybody else from
25 the public?

1 Okay.

2 Closed to the public.

3 I just wanted to say that I think you guys
4 have a very practical application. It's an old
5 school building, old construction. Seems pretty
6 sturdy. It seems to be standing the test of
7 time. And it just makes sense to do what you
8 guys are planning to do.

9 And if you guys are going to meet the
10 Building Department's requirements, that's going
11 to meet what we need for safety standards and
12 quality of living.

13 There's no substantial impairment on the
14 Zoning Ordinance or Master Plan.

15 So with that being said, I'd make a motion
16 to grant the application.

17 THE SECRETARY: Motion to grant the
18 application by Mr. Bonacci.

19 MR. GRULLON: Second.

20 THE SECRETARY: Second by Mr. Grullon.

21 Roll call on the motion.

22 Mr. Bonacci?

23 VICE CHAIRMAN BONACCI: Yes.

24 THE SECRETARY: Ms. Gutierrez?

25 MS. GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Grullon?

2 MR. GRULLON: Yes.

3 THE SECRETARY: Mr. Pressey?

4 MR. PRESSEY: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Five in favor.

8 Motion carries.

9 Thank you.

10 MR. MAYEROVIC: We thank the Board very
11 much.

12 THE SECRETARY: Have a good night.

13 VICE CHAIRMAN BONACCI: Yeah. No problem.
14 Have a good one.

15 MR. MAYEROVIC: Thank you, everybody.

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1 **ADJOURNMENT:**

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

6 Motion by Mr. Pressey.

7 MR. MEDINA: Second.

8 MS. GUTIERREZ: Second.

9 MR. MEDINA: Second.

10 THE SECRETARY: Second by -- by Mr. Medina.

11 MR. MEDINA: Yes.

12 THE SECRETARY: Roll call on the motion to
13 close tonight's meeting.

14 Mr. Bonacci?

15 Mr. Grullon?

16 VICE CHAIRMAN BONACCI: Yes.

17 MR. GRULLON: Yes.

18 THE SECRETARY: Ms. Gutierrez?

19 MS. GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Pressey?

21 MR. PRESSEY: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

1 Let the record show that the meeting has
2 ended.

3 Good night, everyone.

4 And thank you.

5

6 (Whereupon, the proceedings were concluded
7 at 8:01 p.m.)

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1 STATE OF NEW JERSEY :

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3 COUNTY OF ESSEX :

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6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY ZONING BOARD OF
10 ADJUSTMENT heard on Thursday, November 1, 2018
11 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon