

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
 :
 : PROCEEDINGS
 _____ :

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

Thursday, September 10, 2020
 Commencing at 6:03 p.m.

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

JOHN MEDINA, (Arrived at 6:10 p.m.)
 MIGUEL ORTIZ
 DAVID W. PRESSEY
 GERALDINE PEREZ, Alternate No. 2
 RAYMOND CETINICH, Alternate No. 3
 MINDRY WATLEY, Alternate No. 4
 VICTOR M. GRULLON, Vice Chairman

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

MARGARITA GUTIERREZ
 LIBERO MAROTTA
 ROSIO PENA, Alternate No. 1

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

NEIL D. MAROTTA, ESQ., Substitute Board
Attorney for Jose Bonilla Application,
(Left at 6:55 p.m.)

DAVID SPATZ, Consultant

Community Housing and Planning Associates

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Wilson Espinoza

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 603 Central Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Jose Bonilla

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Manuel Pereiras

20

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Manuel Pereiras

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

3 Please take notice that on Thursday,
4 September 10, 2020, six p.m., a Regular Meeting
5 is scheduled for the Union City Zoning Board of
6 Adjustment, to be held in the Union City High
7 School, located at 2500 John F. Kennedy
8 Boulevard, Union City, New Jersey.

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

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

18 Before we roll call for tonight's meeting,
19 can everybody kindly rise to salute the flag?

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. Grullon?

6 VICE CHAIRMAN GRULLON: Here.

7 THE SECRETARY: Mr. Marotta?

8 Is absent.

9 Ms. Gutierrez?

10 Is absent.

11 Mr. Ortiz?

12 MR. ORTIZ: Here.

13 THE SECRETARY: Mr. Pressey?

14 MR. PRESSEY: Yes.

15 THE SECRETARY: Mr. Medina?

16 Is absent.

17 Ms. Pena?

18 Is absent.

19 Mr. -- Mrs. Perez?

20 MS. PEREZ: Here.

21 THE SECRETARY: Mr. Cetinich?

22 MR. CETINICH: Here.

23 THE SECRETARY: Ms. Watley?

24 MS. WATLEY: Here.

25 THE SECRETARY: Let the record indicate

1 | there are six present.

2 | Those absent tonight are Mr. Marotta, Ms.
3 | Gutierrez, Mr. Medina and Ms. Pena.

4 | So, we have a Board made up of six members,
5 | which constitute a full quorum to establish any
6 | decision on tonight's agenda.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on July 9, 2020

4

5 THE SECRETARY: We are going to the
6 previous meeting from July 9, 2020, to approve
7 the previous meeting minutes.

8 Can I have a motion to adopt the previous
9 meeting minutes from July 9, 2020?

10 VICE CHAIRMAN GRULLON: Motion.

11 THE SECRETARY: Motion by Mr. Grullon.

12 Any second the motion?

13 MR. ORTIZ: Second.

14 THE SECRETARY: By Mr. Ortiz.

15 Roll call on the motion.

16 Mr. Grullon?

17 VICE CHAIRMAN GRULLON: Yes.

18 THE SECRETARY: Mr. Pressey?

19 MR. PRESSEY: Yes.

20 THE SECRETARY: Mr. Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Ms. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Mr. Cetinich?

25 MR. CETINICH: Yes.

1 THE SECRETARY: Five in favor.

2 Motion carries.

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1 **1404 S. Avenue, LLC - 1404 Summit Avenue:**

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3 THE SECRETARY: All right.

4 We are going to first hearing on tonight's
5 agenda is 1404 S. Avenue, LLC, 1404 Summit
6 Avenue.

7 Mr. Paneque, please?

8 MR. PANEQUE: Mr. Vallejo, members of the
9 Board, this application was filed by Mr. Adolfo
10 Lopez.

11 I received a call; he couldn't be here
12 tonight and the applicant is not here, also. I
13 suggest that that matter be carried to the next
14 meeting.

15 THE SECRETARY: And next meeting will be
16 October --

17 MR. PANEQUE: Eighth.

18 THE SECRETARY: -- the 8th?

19 MR. PANEQUE: Yes.

20 THE SECRETARY: Same time, same location.

21 MR. PANEQUE: Yes.

22 THE SECRETARY: Can we have a -- any motion
23 to carry this?

24 VICE CHAIRMAN GRULLON: Motion to accept to
25 carry.

1 THE SECRETARY: Motion by Mr. Grullon.

2 MR. ORTIZ: Second it.

3 THE SECRETARY: Seconded by Mr. Ortiz.

4 Roll call on the motion.

5 Mr. Grullon?

6 VICE CHAIRMAN GRULLON: Yes.

7 THE SECRETARY: Mr. Pressey?

8 MR. PRESSEY: Yes.

9 THE SECRETARY: Mr. Ortiz?

10 MR. ORTIZ: Yes.

11 THE SECRETARY: Ms. Perez?

12 MS. PEREZ: Yes.

13 THE SECRETARY: Mr. Cetinich?

14 MR. CETINICH: Yes.

15 THE SECRETARY: Ms. Watley?

16 MS. WATLEY: Yes.

17 THE SECRETARY: Six in favor.

18 Motion carries.

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1 **Jose Bonilla - 2106 Bergenline Avenue:**

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3 THE SECRETARY: We are going to change a
4 little bit the order on tonight's agenda.

5 We are going to go to number 4. It's on
6 your table, the application, Board members.

7 MR. PANEQUE: Mr. Vallejo, on application
8 number 4, the applicant, Jose Bonilla, happens to
9 be an existing client in my office. As such, I
10 have informed you of that prior to the meeting
11 and you've arranged for substitute counsel, which
12 is --

13 THE SECRETARY: Mr. Neil Marotta.

14 MR. PANEQUE: -- Mr. Neil Marotta, a very
15 capable attorney --

16 THE SECRETARY: Thank you, --

17 MR. PANEQUE: -- taking my place.

18 MR. MAROTTA: Thank you.

19 THE SECRETARY: -- Mr. Paneque.

20

21 (Whereupon, Tomas R. Paneque, Esq., Board
22 Attorney, recused and stepped down from the dais
23 and Neil D. Marotta, Esq. continued as Acting
24 Board Attorney.)

25

1 THE SECRETARY: The application Jose
2 Bonilla, 2106 Bergenline Avenue.

3 Ms. Pereiras, please?

4 MS. PEREIRAS: Good evening, members of the
5 Board.

6 It's great to see all of you again. It's
7 been a long time.

8 I'm happy to be here on behalf of Jose
9 Bonilla, for property at 2106 Bergenline Avenue,
10 also known as Block 64, Lot 5.

11 I've submitted my jurisdictional
12 submissions to counsel and I'd like to confirm
13 that they are in order.

14 MR. MAROTTA: I just received them. I'd
15 have to take a quick look through the 200 foot
16 list. I'm wondering if it's better for you to
17 move to another one so I can actually review the
18 --

19 Carlos, by any chance, did you check the
20 submissions to see if it meets with the 200 foot
21 list?

22 So, what I'm going to recommend is that we
23 take the next -- you -- you can skip me for now.
24 I'll review it to make sure it's accurate and
25 then we could go -- move forward.

1 Okay?

2 THE SECRETARY: Did you email me?

3

4 (Whereupon, John Medina arrived at 6:10
5 p.m.)

6

7 MS. PEREIRAS: I did not.

8 THE SECRETARY: Okay.

9 MS. PEREIRAS: I handed them in, in person,
10 since it was --

11 THE SECRETARY: Please, next time, email
12 me, like that I can have in record.

13 MS. PEREIRAS: Happy to do so.

14 THE SECRETARY: Even, we can -- we can do
15 it -- you know, check it electronically.

16 MS. PEREIRAS: Beforehand.

17 THE SECRETARY: Thank you.

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1 **Wilson Espinoza - 719 17th Street:**

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3 (Whereupon, Tomas R. Paneque, Esq., Board
4 Attorney, returned to the dais.)

5

6 MR. PANEQUE: Mr. Vallejo, Mr. Medina is
7 here.

8 THE SECRETARY: Oh, one second, please.

9 Let the record indicate that Mr. Medina
10 joined the meeting.

11 Mr. Medina, please.

12 Proceed.

13 MR. MEDINA: Okay. Hi everyone.

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

16 THE SECRETARY: All right.

17 We are going to go to number 2 on the
18 agenda. That's Wilson Espinoza, 719 7 -- 17
19 Street.

20 Ms. Pereiras?

21 Allow me one second to give the application
22 to the Board members.

23 MS. PEREIRAS: Of course.

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

1 THE SECRETARY: Okay, Ms. Pereiras. You're
2 good.

3 MS. PEREIRAS: Thank you.

4 MR. PANEQUE: Before we proceed, Ms.
5 Pereiras, let me establish jurisdiction.

6 For the record, I've been provided by Ms.
7 Pereiras with the following documentation:

8 I have a certification as to publication
9 and service indicating that notice of tonight's
10 hearing was published in the local paper, The
11 Jersey Journal, giving notice of tonight's
12 hearing at this location at the Union City High
13 School. This certification is signed by Ms.
14 Pereiras.

15 I also have a copy of the newspaper notice,
16 which -- which came out in the newspaper on
17 August 22nd. Said notice indicates that on
18 September 10th, a hearing will be held before this
19 Board at this location with respect to the
20 property located at 719 17th Street.

21 I also been provided with a copy of the 200
22 foot list, which was done by the Union City Tax
23 Assessor's Office with a date of August 24th,
24 2020.

25 I've also been provided with the certified

1 mail receipts with a postmark date of August 31st,
2 2020, as well as the certified mail green cards
3 that have come back. And I see no envelopes that
4 have come back unclaimed.

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

8 MS. PEREIRAS: Thank you very much,
9 counsel.

10 Good evening.

11 May it please the Board, Bianca Pereiras on
12 behalf of Wilson Espinoza, for property at 719
13 17th Street, also known as Block 84, Lot 26.

14 The application before the Board this
15 evening is to legalize a basement apartment.
16 This building, if approved by this Board this
17 evening, would comprise of four residential
18 units.

19 We have one expert to testify before the
20 Board this evening, and that is our architect,
21 Mr. Manuel Pereiras.

22 MR. PEREIRAS: Hello, everyone.

23 MS. DILLON: Please raise your right hand.

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

1 MR. PEREIRAS: I do.

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

4 MR. PEREIRAS: Manny Pereira,
5 P-E-R-E-I-R-A-S, with Pereira Architects
6 Ubiquitous, 1116 Summit Avenue, Union City.

7 MS. DILLON: Thank you.

8 MS. PEREIRAS: And for purposes of the
9 record, Mr. Pereira has been qualified by this
10 Board in the past as a professional architect.

11 VICE CHAIRMAN GRULLON: Yes. We accept
12 your qualification, Mr. Pereira.

13 Welcome back.

14 MR. PEREIRAS: Thank you.

15 MS. PEREIRAS: Thank you, Mr. Chairman.

16 Mr. Pereira, are you familiar with the
17 property at 719 17th Street?

18 MR. PEREIRAS: I am.

19 MS. PEREIRAS: And did you prepare the
20 drawings that are before the Board this evening?

21 MR. PEREIRAS: I have.

22 MS. PEREIRAS: And would you kindly
23 describe the proposal to the Board?

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

25 For purposes of the presentation, we took

1 the same drawings that were submitted to the
2 Board and we put them on the easel, submitted
3 here on my right.

4 We have a nice unusual condition for Union
5 City. We have a very oversized lot. The width
6 of this lot is 37.5 feet wide. It's also even
7 oversized in depth. We have 102.78 feet in
8 depth, which gives us a grand total of 3,866
9 square feet, whereas a normal house -- lot would
10 only require 2,500. So, we have a situation
11 where what we're proposing actually fits in very
12 well in this lot.

13 What we're doing is actually we're not
14 proposing any changes. These are existing
15 conditions that we want to legalize. There is a
16 legal four family above and what we're legalizing
17 is what we're calling a basement apartment, but
18 it's actually on the ground floor in the front,
19 and then the topography of the site slopes up so
20 it's a basement near the rear and we're calling
21 it a basement apartment, to be very clear.

22 This unit has been there since the -- the
23 owners purchased the building, or actually the
24 parents of the owners purchased this building,
25 well over 40 years ago. I could testify to this,

1 | because actually my friends lived there and I
2 | remember going there as a child. So, this unit
3 | has been there for at least 40 years, or at least
4 | in my memory, 30 years, by their testimony, over
5 | 40 years. And it looks it. It looks like this
6 | is a preexisting unit that's been there a long
7 | time.

8 | We have almost no variances for you other
9 | than the D variance for the use, because we have
10 | five units proposed on this lot. And we are
11 | expanding on the parking because -- because we're
12 | adding this unit, we need additional parking and
13 | there's no room for additional parking.

14 | However, unlike many lots in Union City, we
15 | have a large driveway. It's actually 11.8 feet
16 | and there's a garage in the back, and they could
17 | stack four cars along the side of the building
18 | and even one in the garage. So, there is already
19 | --

20 | MS. PEREIRAS: Mr. Pereiras, I'm sorry to
21 | cut you off.

22 | MR. PEREIRAS: Yes?

23 | MS. PEREIRAS: But just to clarify for the
24 | Board, we have three residential units above and
25 | we are legalizing the basement unit, for a total

1 --

2 MR. PEREIRAS: I'm very sorry.

3 MS. PEREIRAS: -- of four residential units.

4 MS. PEREIRAS: That's correct. Three
5 above, one new one, so four in total for this
6 building.

7 Let me walk you through.

8 What we have here is the basement
9 apartment, and then each of the floors above,
10 first, second and third, as you could see, the
11 first, second and third floor are identical.
12 They each are two bedroom apartments with a den.
13 That's an existing condition that we're not
14 looking to change.

15 The basement apartment, as well, is all
16 existing conditions that we're not looking to
17 change. You come in through the front door and
18 let me show you the elevation of the building.
19 We have the three stories above. This is the
20 front door for that unit, so you could see it
21 doesn't even feel like a basement apartment. You
22 walk right in through the front.

23 And the -- this is the kitchen, living
24 room/dining room area, two bedrooms along the
25 back. And then, they have nice -- a lot of

1 closet space and one bathroom. We are going to
2 take this opportunity to really bring this up to
3 Code. We're going to provide a two hour fire
4 separation in the ceiling. We're going to
5 provide a domestic line sprinkler system in the
6 unit. And we're going to provide a low voltage
7 alarm system throughout the building, to make
8 sure that it meets all fire and safety codes of
9 today, which makes the building safer for the
10 inhabitants, of course, of the building, and of
11 the neighbors.

12 Beyond that, there are no changes that
13 we're proposing. These are all existing
14 conditions to remain. A preexisting
15 nonconforming structure that we're looking to
16 legalize before this Board.

17 And that concludes my testimony.

18 VICE CHAIRMAN GRULLON: Mr. Pereiras, is it
19 three floors and a basement, or four floors?

20 MR. PEREIRAS: It -- it's actually hard to
21 define. I could go either way. I would say that
22 this is a four story building, just to be safe on
23 the -- on the outside. If we take the average of
24 the grade, the ground floor apartment can be
25 considered a basement apartment. So, from a Code

1 standpoint, we could say it's a three story. I'd
2 rather be very safe and at this Board, simply
3 classify as a four story building.

4 VICE CHAIRMAN GRULLON: Any construction?
5 You doing any demolition or renovation inside the
6 building, beside the safety?

7 MR. PEREIRAS: The only thing we're
8 proposing to do is the safety.

9 VICE CHAIRMAN GRULLON: I don't have any
10 more questions.

11 Do you have any question?

12 MR. PRESSEY: Yes.

13 The tax records for the City has it listed
14 as a three family?

15 MS. PEREIRAS: Let me double check that.

16 MR. PANEQUE: Ms. Pereiras, for the benefit
17 of the Board --

18 MS. PEREIRAS: Yes.

19 MR. PANEQUE: -- I do have the memo from
20 the Union City Building Department, so to answer
21 Mr. Pressey's question, the Union City Building
22 Department provided us with a memo which
23 indicates that they have this property listed as
24 a three family.

25 And, in fact, they provide us with the tax

1 assessment printout. I believe this is from the
2 1970s. And it shows that there was one unit on
3 each floor, with the number of bedrooms. So,
4 they have this as a three unit. So, the -- the
5 basement would be the fourth unit.

6 Correct.

7 MR. PRESSEY: Thank you.

8 VICE CHAIRMAN GRULLON: One more question,
9 Mr. Pereiras.

10 The height of the ceiling for the ground
11 unit. Do you know the height of that ceiling?

12 MR. PEREIRAS: It's actually six foot 11.
13 It's a little bit shy of what Code requires. So,
14 if this Board were to deem us acceptable, we'd
15 have to request what's called a variation from
16 the Construction Board, from the -- the Building
17 Department.

18 We had already spoken with Mr. Ferlise,
19 which is the Building Subcode, and he is amicable
20 to that -- that concept. So, because it's an
21 existing unit, because it's been there so long.
22 So, even though we don't have the seven foot
23 requirement, we're very close to it at six feet
24 11. Since it's a condition -- existing
25 condition, they're willing to grant the variation

1 on it.

2 VICE CHAIRMAN GRULLON: Mr. Spatz,
3 question?

4 MR. SPATZ: Yes.

5 VICE CHAIRMAN GRULLON: Building Department
6 address if there's any issue with the height of
7 the -- of the apartment?

8 Let's say 6.10, 6.11 --

9 MR. SPATZ: Um hum.

10 VICE CHAIRMAN GRULLON: -- and it's not
11 permitted by Building Department, if they have
12 anything to do, if they have to --

13 MR. SPATZ: If -- if the Building
14 Department doesn't grant the -- the waiver and
15 the permit, they would have to excavate the floor
16 to bring it to the correct height. And that
17 would be supervised by the Building Department
18 and you know, there would not be a need to come
19 back here.

20 VICE CHAIRMAN GRULLON: Okay.

21 Any other member of the Board? No member
22 of the Board?

23 At this point, I want to open to the
24 public. Any member of the public want to step
25 forward?

1 Nobody from the public.

2 Closed to the public.

3 To the point, taking in consideration that
4 this application is going to improve the quality
5 of life of the residents in that -- in that
6 building, and would also promote the safety, I
7 make a motion to approve this application.

8 THE SECRETARY: Motion on the -- on the
9 table to approve the application by Mr. Gullon.

10 Any second the motion?

11 MR. ORTIZ: I second.

12 THE SECRETARY: Seconded by Mr. Ortiz.

13 Roll call on the motion to approve this
14 application.

15 Mr. Gullon?

16 VICE CHAIRMAN GRULLON: Yes.

17 THE SECRETARY: Mr. Pressey?

18 MR. PRESSEY: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Ms. Perez?

24 MS. PEREZ: Yes.

25 THE SECRETARY: Mr. Cetinich?

1 MR. CETINICH: Yes.

2 THE SECRETARY: Ms. Watley?

3 MS. WATLEY: Yes.

4 THE SECRETARY: Seven in favor.

5 Motion carries.

6 MS. PEREIRAS: Thank you all very much.

7

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

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1 **Jose Bonilla - 2106 Bergenline Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda --

5 MR. PANEQUE: Wait. Wait. Mr. Marotta has
6 a question.

7 MR. MAROTTA: I do have to speak with Ms.
8 Pereiras for a moment.

9 MR. PANEQUE: Yeah.

10 THE SECRETARY: Oh.

11 MR. PANEQUE: Let's adjourn for --

12 THE SECRETARY: Let's --

13 MR. PANEQUE: -- a minute.

14 THE SECRETARY: -- let's adjourn for a few
15 minutes.

16 MR. PANEQUE: Yeah. Off the record then.

17

18 (Whereupon, the Board recessed from 6:24
19 p.m. to 6:30 p.m.)

20

21 (Whereupon, Tomas R. Paneque, Esq., Board
22 Attorney, recused and stepped down from the dais
23 and Neil D. Marotta, Esq. continued as Acting
24 Board Attorney.)

25

1 THE SECRETARY: All right.

2 Ready, Debbie?

3 MS. DILLON: Yes.

4 On the record.

5 THE SECRETARY: May I have your attention?

6 We are going to go back to application,

7 Jose Bonilla, 2106 Bergenline Avenue.

8 Ms. Pereiras, please?

9 The application is on the table, gentlemen

10 --

11 MS. PEREIRAS: Again, --

12 THE SECRETARY: -- and ladies.

13 MS. PEREIRAS: -- Bianca Pereiras on behalf

14 of Jose Bonilla, for property at 2106 Bergenline

15 Avenue, Block 64, Lot 5.

16 Just like to confirm with counsel that

17 jurisdiction has been established, because of my

18 jurisdictional submissions.

19 MR. MAROTTA: That is correct.

20 And I'd also like to say that the package

21 was set forth very organized fashion and made it

22 very easy to read. So, I do appreciate that.

23 The notice was proper and so were the

24 mailings.

25 MS. PEREIRAS: Thank you, Mr. Marotta.

1 The application before the Board this
2 evening is to legalize a ground floor residential
3 unit in an existing mixed use building. We have
4 one expert to testify before the Board this
5 evening, and that is our architect, Mr. Manuel
6 Pereiras.

7 Mr. Pereiras, please?

8 MR. PEREIRAS: Still Manny Pereiras, and I
9 recognize that I am still under oath.

10 MS. PEREIRAS: Mr. Pereiras, are you
11 familiar with the property at 2106 Bergenline
12 Avenue?

13 MR. PEREIRAS: I am.

14 MS. PEREIRAS: And did you prepare the
15 drawings that are before the Board this evening?

16 MR. PEREIRAS: I have.

17 MS. PEREIRAS: And would you kindly
18 describe the application for the Board?

19 MR. PEREIRAS: I'd be happy to.

20 Again, the same drawings that were
21 submitted to the Board are on the easel to my
22 right.

23 We are again facing a very similar
24 situation in which we're legalizing a preexisting
25 condition. Everything you see, we want to keep

1 the way it is.

2 What you have now is on Bergenline Avenue,
3 we have a two story commercial space. Upstairs,
4 are two apartments. On the ground floor, you
5 have two businesses, and at the back of the
6 businesses, there is an apartment. It's a
7 preexisting condition. It's been there for many
8 years. It -- it really suits the configuration
9 of what these commercial spaces are. There's no
10 real opportunity to advance the commercial
11 further back. It serves as a great apartment
12 that's handicap accessible, meaning not because
13 of the -- the size of the unit, but because it's
14 on the ground floor. So, it creates a -- a
15 varied housing stock for the -- the citizens of
16 Union City.

17 We have no variances, except for an
18 expanding of parking. The new unit requires
19 parking. However, Bergenline Avenue has no
20 opportunity. We can't provide a curb cut on
21 Bergenline Avenue.

22 And, of course, a D variance for the mere
23 fact that residential is not permitted on the
24 ground level on Bergenline Avenue.

25 If -- if we were to put that apartment

1 above, on a third floor, we wouldn't even be
2 before this Board. However, we're not looking to
3 do anything new. We're just basically legalizing
4 a condition that's been there and been there for
5 many years.

6 And I'd like to walk you through the
7 project so that you know and see exactly what's
8 going on there.

9 There is an existing basement. We are not
10 touching that. There's no work to be performed
11 there.

12 These are the two apartments on the second
13 floor. Absolutely no work to be done there.

14 As you could see, there is a beauty salon
15 to the left and a tailor shop to the right. Both
16 of those are existing conditions, with no changes
17 there as well.

18 Right down the middle of the building, you
19 have the existing apartment in the rear.
20 Currently, it's a two bedroom apartment. What
21 we're looking to do is to remove one of the
22 bedrooms and not use it as a bedroom, and will
23 only be considered a den, because there's no
24 window access for that unit. So, we're looking
25 to change that and we're going to legalize that

1 apartment as is and of course, bring it up to
2 Code.

3 There is a two hour fire rated ceiling
4 that's going in. There's a two hour fire rated
5 wall that's separating that from the commercial
6 spaces. We do not need a sprinkler system for
7 this unit the way it is. Because it's on the
8 ground level, people could escape and we're not
9 doing any other changes to it. However, if we
10 get to the Building Department and there's a
11 problem, we could always add a sprinkler system
12 if that's required.

13 We will have an alarm system going into
14 this building that is going to be fully
15 functional and -- and fully compliant with
16 today's codes. Beyond that, we're not looking to
17 make any changes.

18 That concludes my testimony.

19 VICE CHAIRMAN GRULLON: Thank you, Mr.
20 Pereira.

21 Could you go over the size of the
22 apartment, size of the unit?

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

24 The apartment is 683 square feet, as a one
25 bedroom. So, it is compliant with the

1 regulations.

2 VICE CHAIRMAN GRULLON: And the mean of
3 egress is through the front and also an exit door
4 through the back?

5 MR. PEREIRAS: So, the primary means of
6 egress is right through the front, the main
7 egress of the building. We're going to have to
8 upgrade that means of egress to a two hour fire
9 rated egress. So, that's actually construction
10 that we're going to be doing to make sure that
11 that's a safe egress.

12 There is a door to the back, which doesn't
13 classify as an area of refuge from the standpoint
14 of construction. But of course, if there's a
15 fire, someone could go back there in the rear
16 yard and wait for fire trucks to save them. It's
17 not considered a means of egress because it
18 doesn't lead to a public right-of-way, because on
19 Bergenline Avenue, we have our buildings property
20 to property.

21 So, there's no way of escaping. So,
22 there's no real way of calling that a means of
23 egress. However, if there's a fire, people do
24 that have that access to go to the back.

25 VICE CHAIRMAN GRULLON: And did you get an

1 opportunity to visit the site?

2 MR. PEREIRAS: I did.

3 VICE CHAIRMAN GRULLON: Yes --

4 MR. PEREIRAS: It was awhile ago, at this
5 point, it was pre-COVID, but we were able to go
6 there.

7 VICE CHAIRMAN GRULLON: In your opinion,
8 would that -- would that be a preexisting
9 condition?

10 MR. PEREIRAS: Yes. It was clearly there
11 for a long time. Even the appliances that were
12 there were dated. They were old appliances and
13 worn. It was clearly an apartment that had been
14 there for a long time. There had been some
15 remodeling done over the years, but there are
16 features that are clearly old.

17 VICE CHAIRMAN GRULLON: Is the unit
18 currently occupied?

19 MR. PEREIRAS: I actually don't know. When
20 I was there, it was occupied. I know he was
21 working with the City. I don't know if it's
22 still occupied or if they were removed in the --
23 since then. But when I was there, it was still
24 occupied.

25 VICE CHAIRMAN GRULLON: Could you go over

1 again the safety upgrade that you will be doing
2 on the -- on the unit?

3 MR. PEREIRAS: Absolutely.

4 The first thing that we're doing is a two
5 hour fire separated ceiling.

6 We're also doing a two hour fire rated
7 corridor, so that that means of egress is clear
8 to the outside.

9 We are upgrading the alarm system on the
10 building, so that there will be a 110 volt
11 interconnected system for the apartment and that
12 the -- the existing commercial spaces currently
13 do not have and we're going to have to upgrade to
14 a low voltage alarm system in the common areas
15 and in the commercial areas.

16 So, all of that is going to happen to make
17 it a very safe unit. If there's any problem
18 whatsoever, they literally walk out the front
19 door and they're right on the outside, on the
20 ground level. They don't have to take stairs.
21 They don't have to have any other issues there.

22 VICE CHAIRMAN GRULLON: Okay.

23 I don't have any more questions, do you?

24 MS. PEREZ: Just how many windows are in
25 the --

1 MR. PEREIRAS: Only along the back.

2 MS. PEREZ: -- in the apartment?

3 MR. PEREIRAS: Because we are on the
4 property line, so they only have the main window
5 in the bedroom, and then the -- the rear door
6 actually has a window in it. So, that's a way of
7 them getting light in the living room area.

8 MS. PEREZ: The kitchen doesn't have a
9 window?

10 MR. PEREIRAS: No. It doesn't. We can't
11 have a window because it's on the property line.

12 MS. PEREZ: There's a -- there's something
13 on the other side.

14 MR. PEREIRAS: Yeah.

15 There's -- there's a Code that says that
16 you can't open a new window unless you're more
17 than three feet away from the property line. So,
18 that -- on Bergenline Avenue, that basically
19 eliminates putting windows on the sides of the
20 building.

21 MS. PEREZ: And in the tailor shop, the
22 tailor shop goes all the way back so it's part of
23 the -- the apartment, is right up against the
24 tailor shop.

25 MR. PEREIRAS: It's touching the apartment,

1 yeah. And that's --

2 MS. PEREZ: What's back there?

3 MR. PEREIRAS: -- going to be a --

4 MS. PEREZ: Like what does the tailor shop
5 have back there?

6 MR. PEREIRAS: I actually didn't go into
7 the tailor shop side. I don't know. It was
8 outside the scope.

9 MS. PEREZ: I would just be curious of
10 what's on the other side of the wall?

11 MR. PEREIRAS: Um hum.

12 But that wall is going to have to be a two
13 hour fire wall.

14 So, and -- and just so that we understand
15 what a two hour fire wall is, basically we put
16 gypsum board, which is Sheetrock, but it's five-
17 eighths of an inch thick. We do double layers of
18 it on each side of the wall, and instead of like
19 a normal wall that you see, this wall goes all
20 the way to the ceiling and then we put fire
21 sealant along the top, and along the bottom, so
22 that if there was a fire started on one end, in
23 theory, it's two hours for the fire to get across
24 the other end, or at least for the temperature to
25 change. So, that gives people sufficient time to

1 | escape if there's ever a need.

2 | MS. PEREZ: That actually benefits the
3 | tailor shop.

4 | MR. PEREIRAS: Yes. It also helps for
5 | sound.

6 | MR. MAROTTA: I just have a couple
7 | questions.

8 | The -- how long has the condition been
9 | there?

10 | MR. PEREIRAS: Do we have a record there?

11 | MS. PEREIRAS: Mr. Vallejo, is there a
12 | memorandum from the Building Department?

13 | THE SECRETARY: Yes, it's -- you have one
14 | in your packet.

15 | MR. PEREIRAS: I could tell you, visually,
16 | at least 20 years, potentially more.

17 | MR. MAROTTA: I don't think the memo
18 | addresses the length of time that the --

19 | VICE CHAIRMAN GRULLON: I don't see a --
20 | oh, from Building Department? Do you have a
21 | memo?

22 | THE SECRETARY: Yeah, you -- let me have --

23 | MR. MAROTTA: Oh, okay.

24 | I thought you said Mr. Spatz. I'm sorry.

25 | (Whereupon, there was a pause in the

1 proceedings.)

2 MR. PEREIRAS: Mr. Marotta, from a visual
3 inspection alone, I could say comfortably that
4 it's at least 20 years.

5 MR. MAROTTA: Okay.

6 MR. PEREIRAS: I can't testify to anything
7 beyond that.

8 MR. MAROTTA: What do you base on that?

9 MR. PEREIRAS: On the age and the look of
10 the appliances.

11 MR. MAROTTA: Okay.

12 MR. PEREIRAS: Appliances have been updated
13 throughout the years. When I see an appliance
14 that looks a certain way, I know that it was
15 created. And it's unlikely that someone
16 purchases an appliance that's used or different,
17 so --

18 MR. MAROTTA: Do -- do you know what type
19 of appliance it was or what brand?

20 MR. PEREIRAS: I -- I don't know the brand.

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

23 MR. MAROTTA: Okay.

24 The -- as far as the means of egress and
25 ingress, one of the most important point you made

1 | was their ease to go out, because they're on the
2 | ground floor, to go out the front of the
3 | building. Again, if that access is blocked, they
4 | would have to still go the backyard.

5 | Correct?

6 | MR. PEREIRAS: That is correct.

7 | MR. MAROTTA: Do you know -- do you -- can
8 | you opine as to the -- the safety standard if
9 | somebody is stuck within 25 feet of a burning
10 | building? You know --

11 | MR. PEREIRAS: So, the way Code reads, the
12 | only definition that comes close to what we're --
13 | we're talking about is what's defined as an area
14 | of refuge.

15 | MR. MAROTTA: Um hum.

16 | MR. PEREIRAS: Okay?

17 | MR. MAROTTA: Okay.

18 | MR. PEREIRAS: An area of refuge can be
19 | created in many different ways. You see that
20 | often in multi-family buildings where our --
21 | there's an elevator that there is a section
22 | dedicated to a person that's, let's say, in a
23 | wheelchair that can't access the elevator. They
24 | could stay in that area of refuge until fire
25 | trucks save them.

1 Okay?

2 When we're talking about distance from a
3 building, the Code actually requires 50 foot
4 distance. That is a blanket kind of state
5 requirement from the State of New Jersey. It's
6 actually a country requirement because it comes
7 from the International Building Code.

8 That said, in Union City, we don't have the
9 luxury of having 50 feet from a building ever.
10 In any situation, I can't even think of a
11 property anywhere in Union City that you're 50
12 feet from a structure. So, our Building
13 Department goes into -- it is consistently has
14 been granting variations specifically for that.

15 So, the -- the Code defines that bedrooms
16 need to have an emergency escape -- a form of
17 emergency escape. So, when I apply to the
18 Building Department for permits on this
19 particular site, my application is going to be
20 attached with a variation for area of refuge in
21 the rear yard. And I'm going to show a diagram
22 showing that we have, and I believe it's 20 feet,
23 let me just be a hundred percent sure, so I don't
24 misspeak, we actually have 25 feet to the rear
25 yard. If this building were ever in a fire

1 state, and that means of egress through the front
2 were blocked, which are pretty extreme conditions
3 and very hard to come by. But let's say that
4 does happen, someone could flee to the back of
5 the building, be 25 feet away, and allow for the
6 fire department to rescue them.

7 And as you know, we have North Hudson Fire
8 here. They respond pretty darn quickly. So,
9 they could always escape and many people could
10 jump the fence or get out in case of an issue.
11 That said, you can't rely on that. You have to
12 rely on the fire department to rescue you. And I
13 think it's perfectly reasonable that even in a
14 fire situation, even a bad fire, standing 25 feet
15 away is a safe location to wait for that to
16 happen.

17 MR. MAROTTA: Let me ask you.

18 Why would you say it's an extreme condition
19 if the fire started in the front of the building?

20 MR. PEREIRAS: Because there are very --

21 MR. MAROTTA: You have -- you have a beauty
22 salon --

23 MR. PEREIRAS: -- few locations that a fire
24 -- statistically, 80 percent of fires happen in
25 the kitchen.

1 Okay?

2 The -- there's another almost eight percent
3 that happen in the laundry room. The remaining
4 fires tend to be -- you know, cigarettes on the
5 couch or things of that nature. So,
6 statistically, it's a very rare condition that a
7 fire actually happens in a stairwell or in an
8 entry point of a building.

9 MR. MAROTTA: My -- my only concern is the
10 fact that it's not -- you're not dealing with
11 other residential units in the front, you're
12 dealing with --

13 MR. PEREIRAS: Oh.

14 MR. MAROTTA: -- a beauty salon, that has
15 high temperature equipment that -- that --

16 MR. PEREIRAS: That's actually a great
17 thing to mention.

18 And -- and let me take you to the floor
19 plan.

20 MR. MAROTTA: Um hum.

21 MR. PEREIRAS: We are not walking through a
22 beauty salon. We are not walking through a
23 tailor shop. We have the residential entrance to
24 the building.

25 MR. MAROTTA: Correct.

1 MR. PEREIRAS: And for the apartments
2 upstairs --

3 MR. MAROTTA: Um hum.

4 MR. PEREIRAS: -- and for this apartment in
5 the back. So, when the building -- and in the
6 middle, you have a vestibule and you have a
7 hallway. That is strictly 100 percent
8 residential. There is no commercial component
9 there.

10 And you have two hour fire walls on each
11 side of them. So, that is -- we're dealing with
12 a residential portion of the building. If there
13 was a fire on the side of the tailor shop, or if
14 there was a fire on the side of the beauty salon,
15 those are protected with a two hour separation
16 from a residential side. And they are alarmed
17 with a low voltage alarm system, so if a fire
18 starts, that alarm is going to be going off loud
19 throughout the building, it's going to alert
20 anybody. And in theory, they have over two hours
21 to get out through the front, whereas most people
22 hopefully need less than a minute to get out.
23 They have two hours kind of get there. Okay?

24 So, it's -- in my opinion, I wouldn't
25 create a building that's a dangerous situation.

1 I think this is a very safe situation --

2 MR. MAROTTA: So -- so --

3 MR. PEREIRAS: -- for an apartment.

4 MR. MAROTTA: -- I guess based on your --
5 your testimony, your main concern would be the
6 backyard then, on a fire situation.

7 MR. PEREIRAS: That -- that -- well, not my
8 main concern. My -- my main concern is making
9 sure that they can get out to the front and we're
10 addressing that by creating that two hour fire
11 corridor going to the front. That's my main
12 concern. To make sure that those fire
13 separations are in place.

14 Now, my secondary concern is, let's say,
15 someone is sleeping. Let's say there's this
16 extreme situation where someone dropped a flaming
17 mattress in the hallway, we have that second
18 means of egress that -- to go to the rear yard
19 for that area of refuge. As unlikely as it is,
20 we deal with unlikely situations. I design all
21 my buildings for earthquakes. We haven't had an
22 earthquake in New Jersey for a very long time,
23 but when we just did --

24 MR. MAROTTA: Last night.

25 MR. PEREIRAS: -- a couple days ago. For

1 | those situations, we design and we have to design
2 | for them.

3 | So, if that -- we have that situation where
4 | there's this extreme, there's a mattress on flame
5 | in the stairwell, we have that second means of
6 | egress to the backyard. And we would have to get
7 | the variation from the city, but it's very
8 | reasonable and I think the -- the normal logical
9 | person would grant that variation from the
10 | Building Department. They've done it in the past
11 | and I expect it here, as well.

12 | MR. MAROTTA: Okay.

13 | The -- just Mr. Spatz?

14 | MR. SPATZ: Yes.

15 | MR. MAROTTA: Can you address that issue?
16 | The -- the size of the backyard and the fire?

17 | MR. SPATZ: It's -- it's really a building
18 | code issue and it's through the Building
19 | Department, so if this Board were to grant
20 | approval, one of the typical conditions is that
21 | they have to meet all -- all concerns of the
22 | Building Department. And if they don't grant the
23 | permit, they can't continue the building.

24 | MR. MAROTTA: Okay.

25 | MR. SPATZ: So, it's really -- it's -- you

1 know, beyond this Board's action.

2 MR. MAROTTA: Let me just you just, then,
3 one more thing, Mr. -- Mr. Pereiras.

4 The den. You're -- it's a two bedroom now
5 and now all of a sudden it's going to be called a
6 den. How do we -- how does that become a den all
7 of a sudden, as opposed to a bedroom, given it's
8 going to be the same floor plan, the same size?

9 MR. PEREIRAS: I honestly expected this
10 Board to make a comment on that.

11 I would prefer if we actually removed the
12 door to that space. We can't control how people
13 use a space, but if we remove the door, then it's
14 -- you remove that level of privacy, so at a
15 minimum, even let's say someone were to use it
16 incorrectly and was in there, there's no door,
17 there's no barrier for sound. We could actually
18 have them open. So, it adds -- I think that it's
19 appropriate and safe condition to -- to place on
20 the project, to say that they have to remove the
21 door to the den.

22 MR. MAROTTA: Would you client be amenable
23 to removing the wall, enlarging the apartment, as
24 opposed to just the door?

25 MR. PEREIRAS: I don't -- I don't think

1 | that's a problem at all. I -- I think it's a
2 | great suggestion.

3 | MR. MAROTTA: I have nothing further right
4 | now.

5 | MR. PEREIRAS: So, note for the record that
6 | we are removing the wall of the den in this
7 | application.

8 | MR. MAROTTA: It will be a nicer apartment.

9 | MR. PEREIRAS: I think so. I think it'd be
10 | much nicer.

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

13 | MR. CETINICH: Yeah. I have a question.

14 | The memo from the -- from the Building
15 | Department says one unit and commercial
16 | structure. In the appraisal on the second floor,
17 | it says one unit, and there's two apartments. Is
18 | it -- am I mistaken or -- there's no -- it says
19 | store, store and then second floor, one unit.

20 | MR. PEREIRAS: We do have two apartments on
21 | the second floor.

22 | MR. CETINICH: And so, this has to be
23 | updated, I guess, or it's not --

24 | MR. MAROTTA: Oh, it might be another
25 | application.

1 MR. PEREIRAS: It might be another
2 legalization. You might see us before this Board
3 again. What we're legalizing today is that
4 ground floor apartment. If that becomes an issue
5 with the Building Department and -- and it's very
6 often that -- you know, the Building Department
7 will issue violations on one thing, and then more
8 things come up, then we'd be back before this
9 Board to legalize the second unit on the second
10 floor.

11 MR. MAROTTA: I guess -- I guess the only
12 question is though, then, you're asking this
13 Board to legalize what is in effect three --
14 three residential units with extensive parking
15 issues, more so than what the Building Department
16 has listed.

17 MR. PEREIRAS: Actually, the only thing I'm
18 asking this Board to -- to approve is the
19 legalization of the ground floor apartment,
20 period.

21 MR. MAROTTA: Right.

22 MR. PEREIRAS: Whether it's everything else
23 that's considered in the building, however many
24 units, it's arbitrary and -- and non -- and non
25 -- not important in this application. We're

1 strictly asking this Board specifically for that
2 ground floor unit.

3 MR. MAROTTA: Well, I just want to say on
4 the arbitrary issue, if it is a -- a -- I don't
5 know what the parking requirements are for the
6 commercial units, but as far as the building
7 itself, if you have one apartment with two
8 bedrooms, I think you need two and a half --
9 three? I think it's three.

10 MR. PEREIRAS: David, are we exempt --

11 MR. MAROTTA: Three parking spaces?

12 MR. PEREIRAS: -- at this location, or are
13 we -- are we exempt at this location or are we --

14 MR. SPATZ: For the commercial, you -- you
15 are.

16 MR. PEREIRAS: Okay.

17 MR. SPATZ: There's no requirement --

18 MR. MAROTTA: Okay.

19 Thank you.

20 MR. SPATZ: -- for commercial on Bergenline
21 Avenue. There are for the apartments, and
22 clearly they can't provide any parking in --

23 MR. MAROTTA: No, I understand that. I'm
24 just saying that --

25 MR. SPATZ: -- in the area. Right.

1 MR. MAROTTA: -- right now, based on what
2 the Building Department has, as the Board member
3 brought up, it's a one bed -- it's a one
4 apartment. Now, all of sudden, it's -- it's
5 three apartments.

6 MR. SPATZ: If -- yeah.

7 You know, again, if -- if all you're doing
8 is legalizing the ground floor apartment, then
9 when they go to the Building Department for their
10 permits and the Building Department indicates
11 that there's really just one legal apartment on
12 the second floor, they would be required --

13 MR. MAROTTA: Um hum.

14 MR. SPATZ: -- to come back and legalize
15 that second unit.

16 VICE CHAIRMAN GRULLON: Okay.

17 In front of us is just the -- the ground --
18 the ground floor, the commercial space and the --
19 and the one apartment that is going to become one
20 bedroom unit.

21 MR. PEREIRAS: Correct.

22 VICE CHAIRMAN GRULLON: And your client
23 will agree to -- to remove the walls?

24 MR. PEREIRAS: I don't think we're going to
25 give them an option.

1 VICE CHAIRMAN GRULLON: Okay.

2 MR. PEREIRAS: We would have to -- we will
3 do that.

4 MR. MAROTTA: So that will be a condition
5 --

6 MR. PEREIRAS: Yes.

7 VICE CHAIRMAN GRULLON: At this point
8 anybody else from the Board?

9 At this point, I want to open to the
10 public.

11 Any members of the public want to step
12 forward this application?

13 Seeing none, closed to the public.

14 Taking in consideration that it's a
15 preexisting unit and it's going to improve safety
16 of the -- of the building. With the condition of
17 removing the -- the walls for the -- for the den,
18 second bedroom, I make a motion to grant this
19 application, with the condition.

20 THE SECRETARY: Motion to grant the
21 application with the condition by Mr. Grullon.

22 Any second the motion?

23 Seconded by Mr. Pressey.

24 Roll call on the motion to approve this
25 application with the condition and revised plans

1 required.

2 Mr. Grullon?

3 VICE CHAIRMAN GRULLON: Yes.

4 THE SECRETARY: Mr. Pressey?

5 MR. PRESSEY: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Mr. Ortiz?

9 MR. ORTIZ: Yes.

10 THE SECRETARY: Ms. Perez?

11 MS. PEREZ: Yes.

12 THE SECRETARY: Mr. Cetinich?

13 MR. CETINICH: Yes.

14 THE SECRETARY: Ms. Watley?

15 MS. WATLEY: Yes.

16 THE SECRETARY: Seven in favor.

17 Motion carries.

18 MS. PEREIRAS: Thank you all very much.

19 Thank you.

20 VICE CHAIRMAN GRULLON: Thank you, Mr.

21 Marotta.

22 MR. MAROTTA: You're welcome.

23 Thank you, everybody.

24 It was a pleasure.

25 MR. PRESSEY: Thank you.

1 VICE CHAIRMAN GRULLON: Thank you.

2 It was a pleasure.

3 MR. PRESSEY: Thank you very much.

4 THE SECRETARY: Make sure that you provide
5 revised plans at least ten days before the next
6 hearing date.

7 MS. PEREIRAS: Absolutely.

8 THE SECRETARY: Thank you.

9 MS. PEREIRAS: We will provide those.

10

11 (Whereupon, Neil D. Marotta, Esq. left the
12 meeting at 6:55 p.m.)

13

14 (Whereupon, Tomas R. Paneque, Esq. Board
15 Attorney, returned to the dais.)

16

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

19

* * *

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1 **603 Central Avenue, LLC - 603-607 Central Avenue:**

2

3 THE SECRETARY: All right.

4 Next application on tonight's agenda, 603

5 Central Avenue, LLC, 603-607 Central Avenue.

6 Ms. Pereiras, please?

7 MR. PANEQUE: For the record --

8 MS. PEREIRAS: Again, Bianca Pereiras on
9 behalf of the applicants.

10 MR. PANEQUE: Thank you.

11 For the record, I've been provided by Ms.
12 Pereiras with the following documentation:

13 I have a certification as to publication
14 and service indicating that notice of tonight's
15 hearing was sent to all property owners within
16 the 200 foot radius, as well as published in the
17 local newspaper regarding the property at 603-607
18 Central Avenue, Union City, New Jersey.

19 I've also been provided with a copy of the
20 newspaper notice, with a date of August 22nd. Said
21 notice indicates that the meeting was scheduled
22 for tonight regarding the property at 603-607
23 Central Avenue at this location of the Union City
24 High School.

25 I've also been provided with the 200 foot

1 list from the Tax Assessor's Office, with a date
2 of August 24th, as well as the certified mail
3 receipts, all of which have been stamped August
4 31st, 2020, as well as the certified mail receipts
5 that have come back and the envelopes that have
6 been -- have come back return to sender.

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

10 MS. PEREIRAS: Thank you, counsel.

11 The property in question is 603-607 Central
12 Avenue.

13 Currently, onsite, there is a warehouse
14 commercial use. What the applicant is requesting
15 of this Board is approval to demolish that
16 existing warehouse and create three two family
17 homes on the three existing lots. We have three
18 lots that are all 25 feet in width. However, we
19 don't have the depth.

20 We have one expert to testify before the
21 Board this evening, and that is our architect,
22 Mr. Manuel Pereiras.

23 MR. PEREIRAS: Architect, Manny Pereiras.

24 I recognize that I am still under oath.

25 MS. PEREIRAS: Mr. Pereiras, are you

1 familiar with 603-607 Central Avenue?

2 MR. PEREIRAS: I am.

3 MS. PEREIRAS: And did you prepare the
4 drawings for the Board?

5 MR. PEREIRAS: I did.

6 MS. PEREIRAS: And could you please
7 describe the proposal for the Board?

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

9 Counsel painted a good picture. We have --
10 we're in the R zone, for what's existing there is
11 a commercial building. It's actually
12 commercial/industrial. We have a granite
13 countertop business coming out of there. They
14 actually manufacture the granite tops there
15 onsite. They're cutting, they're doing, it's
16 noisy. It -- in all conditions, they have trucks
17 coming in and out of there. It does not belong
18 in the R zone, especially on such a beautiful
19 street. We have Central Avenue. It's gorgeous.
20 This is an eyesore and -- and it's an use that
21 doesn't fit in that neighborhood.

22 What we're looking to do is to turn this
23 into -- back into a conforming use, which is
24 residential. Now, what's permitted in this zone,
25 we're permitted to do three family houses. We

1 | didn't think that was appropriate here because we
2 | don't have the lot depth. Whereas a hundred foot
3 | lot is required, we don't have that. We have 62
4 | on one corner and 60 on the other, but we have
5 | nice wide 25 foot lots and they're all -- three
6 | 25 foot lots. So, we thought what was reasonable
7 | and what would be beautiful and appropriate for
8 | this neighborhood is a two family house, which
9 | made my day because I could build and design a
10 | beautiful two family house that really works,
11 | that the parking works, that the apartments are
12 | beautiful, and it really fits into this
13 | neighborhood. And that's what we tried to.

14 | We have two sets of documents before you.
15 | The same documents that were submitted to you are
16 | on the easel to my right. And I've prepared a
17 | rendering of what this is going to look like.
18 | That's the next easel. For purposes of the
19 | record, I marked that as A-1 and today's date,
20 | 9/10/20.

21 |
22 | (Whereupon, Colored Rendering was received
23 | and marked as Exhibit A-1.)

24 |

25 | MR. PEREIRAS: And I also, since the

1 | easel's a little hard to see for everyone, I've
2 | prepared a smaller printout, and I labeled that
3 | A-2, with today's date, as well. And I'm showing
4 | it to Mr. Vallejo.

5 | THE SECRETARY: Thank you.

6 |
7 | (Whereupon, Reduced Colored Rendering was
8 | received and marked as Exhibit A-2.)

9 |
10 | MR. PEREIRAS: And I'll hand it over, if
11 | someone wants a closer look of the -- of the
12 | rendering.

13 | What we're trying to do -- well, let's talk
14 | a little bit more about the existing building.

15 | The existing building was a warehouse. It
16 | was on every single property line. There are
17 | absolutely no setbacks. Absolutely no greenery.
18 | So, what we're looking to do is split that up
19 | into three independent houses that aren't
20 | touching each other, in compliance with our
21 | Ordinance.

22 | We're creating space in front so that we
23 | can have small landscaping berms. We're creating
24 | three curb cuts so that parking goes inside each
25 | of the three units, so each of the apartments is

1 going to have adequate parking and comfortable to
2 get in and out for cars.

3 We have -- each of the lots has three feet
4 one inches on each side of it and zero on the
5 other side. So, we're asking for a variance on
6 that for side yard. But each of the houses is
7 separated by three feet. And we're separating
8 the rear yard by five feet, each one as a
9 minimum. Now, the rear of the property has a --
10 there's an angle to it, so each of them -- each
11 of these houses is slightly different in depth,
12 but each of them maintains the five foot rear
13 yard, which is in compliance with our Ordinance.

14 So, just to walk through all the variances
15 that we're required; 2,500 square feet is
16 required per lot, we have three lots, each of
17 them is undersized.

18 We have one that's 1,163, 1,180 and 1,190.
19 They are all compliant with the 25 foot width.
20 The depth, we have three lots again, and they're
21 all shy of the hundred feet. We have 60 feet at
22 one, 60.9 in the other and 61.7 in the other.

23 We have a front yard of zero throughout,
24 but that's the prevailing front yard. Both of
25 the properties on each side are at zero, so we

1 thought it was important to maintain that zero
2 frontage. We technically don't need a variance
3 for that, because it's already the prevailing
4 setback along the front.

5 We have side yard variance because we have
6 zero on one side. However, we're providing that
7 three foot one on the other.

8 And we have no variances for height. We're
9 proposing a four story building, which is
10 permitted. We're within the height of 45 feet.

11 Our coverage has to be at 80, we're under
12 for each of the three buildings. So, we have no
13 variances for that.

14 And our -- our lot coverage. We're
15 permitted up to a hundred percent and we actually
16 created some landscaping in each of them, so
17 we're under on that, as well. No variance is
18 required.

19 For parking, we're providing all the
20 parking that's required. So, it's rare that I
21 could say that in Union City, but I could
22 comfortably say that we're providing all the
23 parking in this building.

24 To talk about the ground floor, as you
25 could see, they're very similar except that

1 they're all a little different in depth. We have
2 the driveway entrance. It's nice and wide. We
3 have 20 foot -- 20 foot seven inches in total.
4 So, that's very comfortable to fit two cars side-
5 by-side. And we have them in tandem. So, one
6 apartment has cars one and two, and the other
7 apartment has cars three and four. And there's
8 plenty of room to navigate them in and out.

9 We have our water meters located on the
10 ground floor. We have our garbage room located
11 underneath the stairs in a fire enclosure there
12 so that there's no fire -- no garbage cans
13 outside of the building. They're protected
14 inside the building in -- in a sound, insect
15 proof, sealed container inside there.

16 We have entrance from the street to get
17 upstairs and entrance from the garage, as well,
18 to get to -- once you park your car, you can go
19 into the vestibule and walk upstairs to your
20 apartment.

21 We're not providing an elevator in this.
22 The buildings are too small and it doesn't
23 require an elevator. And we have an emergency
24 exit off the back, as well, just in case.

25 And this, since we're building from

1 scratch, we're able to pull the building three
2 foot one, so that that emergency exit actually
3 can lead people to the front, as well.

4 We have -- on the second floor, we have an
5 apartment. It's a very simple two bedroom
6 apartment. You walk out of the stairs and you
7 have an open space that's dining room, living
8 room and kitchen, all open, and we have a two --
9 two baths and two bedrooms along there. And
10 they're the same for each of the three
11 apartments.

12 You take the stairs up to the next floor
13 and we have a duplex apartment. On the third
14 floor, we have the living room, dining room and
15 kitchen. We have a bedroom in the rear. And
16 then, you have an internal stair. You switch
17 stairs to get to the internal stair, which takes
18 you to the next floor where we have another three
19 bedrooms, including the -- the master suite and a
20 small terrace in the front. That small terrace
21 is very important because it maintains the scale
22 of the neighborhood. I wanted it to feel and
23 really fit into the neighborhood. And I didn't
24 want it to feel like a four story structure.

25 So, what we did is, and if you're looking

1 at the profile of the building, the building goes
2 up the three stories, and then it steps back and
3 then it goes up another story. So, as you could
4 see from the renderings, it really feels like a
5 three story building. It fits really well in the
6 neighborhood. Yet, it's ample enough inside that
7 it makes it for very comfortable apartments.

8 The facade of the building is all brick.
9 So, we're using different tones of brick along
10 the perimeter. And then, we're using basically a
11 frame along the building, a metal frame, to give
12 it some -- a nice beautiful accent with some wood
13 to give it a softer -- a softer touch, a metal
14 railing along the top and continue the brick
15 behind it, to make a nice, very beautiful façade
16 that I think it's going to fit really nicely into
17 Union City.

18 I'm actually very proud of this one. I
19 can't wait to -- to get this one going. I think
20 it really -- it's good zoning, it fits into the
21 neighborhood, it's good architecture and I'm --
22 I'm tooting my own horn, but I can't wait to get
23 this one done.

24 That concludes my presentation for now.

25 VICE CHAIRMAN GRULLON: Mr. Pereiras, with

1 the set -- with the setbacks, you're not leaving
2 any space on the side for -- in case of fire?

3 MR. PEREIRAS: Yes, I am. So, in -- we
4 have three feet one inch on every single
5 building. And you could see on every single,
6 along the floor plans, you have the building,
7 three foot one on the side. Building, three foot
8 one on the side. Building, three foot one on the
9 side. So, they're all separated.

10 VICE CHAIRMAN GRULLON: And the front --
11 and the front, it's setback to the building.

12 MR. PEREIRAS: The front yard?

13 VICE CHAIRMAN GRULLON: Yeah, the front
14 yard.

15 MR. PEREIRAS: We're not asking for a
16 variance on that. We're doing the prevailing.
17 The building to the left, the building to the
18 right, they're both on the property line.

19 However, what I did is, I did a -- I -- the
20 building is jutting in and out. So, the stairs
21 are right on the property line. Then it steps
22 back so that I could create some landscaping on
23 both sides of the driveway. And then, the
24 driveway is cut back. And I did that on purpose,
25 to make sure that there's a little bit added

1 safety, a couple of feet, so that when cars are
2 coming out, you're not right on the sidewalk.
3 You're stepped in a little bit further.

4 So, even though we're meeting the
5 requirements of the front yard setback, we're
6 prevailing, we -- I wanted to give that two feet
7 of recess in order to create that added safety.

8 VICE CHAIRMAN GRULLON: I -- I know that
9 you say that it is prevailing, and that's what
10 the other houses have. But those are existing
11 conditions. This is an opportunity to try to
12 bring back -- you know, something that fits the
13 -- the lot; something that fits the neighborhood.

14 MR. PEREIRAS: Mr. Chairman, I understand
15 completely.

16 The -- let's -- let's talk about that.

17 We have a lot that's only 60 feet seven
18 inches in length. We're providing five feet in
19 the rear. If we provide another ten feet in the
20 front, that's going to make it significantly
21 smaller; too small actually. If you could see
22 the size of the apartments, they're modest
23 apartments, and they're even duplex in order to
24 make them work. The second floor apartment, if
25 we lose ten feet, it's a significant problem.

1 And I don't think it adds anything to the value
2 of -- from a planning standpoint, or from an
3 actual architectural standpoint to set it back
4 ten feet. The concept of prevailing is a pre --
5 it's that it is a preexisting condition. There
6 is no such thing as prevailing unless you're
7 dealing with the existing structures on the side.

8 So, if we were to push this building back,
9 I think it's going to look like a missing tooth
10 along Central Avenue. And that's why the
11 Ordinance actually specifically says the concept
12 of prevailing to keep it forward.

13 VICE CHAIRMAN GRULLON: Just the way that I
14 see it on the rendering --

15 MR. PEREIRAS: Um hum.

16 VICE CHAIRMAN GRULLON: -- that you have
17 that is kind of -- it looks like a -- you know,
18 monster building coming to the front of the -- it
19 doesn't show setbacks on the side or on the front
20 line. It just looks like a building. I don't --
21 I mean, it's -- it's my opinion. I was looking
22 to see something constructed there that it could
23 kind of conform with the neighborhood, like a two
24 family house that is set back to -- allowing
25 enough space -- you know, for -- for the view,

1 | for the open air to circulate. And I know that
2 | you have the opportunity now because you're
3 | demolishing a industrial unit and getting an
4 | empty lot. And you'll be able to provide
5 | something that is conforming to the neighborhood.

6 | MR. PEREIRAS: Mr. Chairman, with all due
7 | respect, I've really tried my best to make it
8 | conform to the neighborhood. And I think that
9 | the problem here is that the rendering deceives
10 | you a little bit in the sense that it's at an
11 | angle. You know, I'm making -- it's hard to kind
12 | of understand the spaces between the buildings.
13 | They read as black along there in the rendering.

14 | If you look at the floor plan, you see that
15 | there's actually three foot one between every
16 | single one of the buildings, which is ample. And
17 | the problem -- the sincere problem is, if we lose
18 | ten feet on that ground floor, there -- we're --
19 | it's critical space. The apartments don't work.

20 | VICE CHAIRMAN GRULLON: And I -- I --

21 | MR. PEREIRAS: The space doesn't work.

22 | VICE CHAIRMAN GRULLON: I see it's a
23 | beautiful design, but the way -- the way it is
24 | presented --

25 | MR. PEREIRAS: Um hum.

1 VICE CHAIRMAN GRULLON: -- the way it shows
2 there, is a four -- is a four floor building.
3 That's what it looks like. It doesn't look like
4 a house that is -- that's -- that's a
5 neighborhood -- I don't know if you have any
6 buildings in that area there.

7 MR. PEREIRAS: Um hum.

8 VICE CHAIRMAN GRULLON: Probably only the
9 landlord's apartment in front.

10 MR. PEREIRAS: Um hum.

11 VICE CHAIRMAN GRULLON: But every --
12 everything else in that neighborhood is -- they
13 one fam -- one floor -- one floor or two floor
14 houses. If you put like a four floor apartment
15 building, it looks like an apartment building to
16 me. I know I respect your design and I
17 understand that -- that you're maximizing the --
18 the lot, the uses for the lot.

19 But let me just see what my other Board
20 members say on this, and then we get back to
21 questions.

22 MR. PEREIRAS: Understood.

23 Let me make a couple of notes to what you
24 said.

25 The -- the fourth floor is set back ten

1 feet. I did that purposefully so that it fits
2 into the neighborhood. So the fourth floor is
3 set back ten feet.

4 And I think it's also very important to
5 understand that the -- this building was zoned
6 and the Planning Board approved this zone as an R
7 zone, which permits four story buildings, and it
8 permits a prevailing front yard setback. So, the
9 two issues that you have with this application,
10 and with all due respect, are non-issues from the
11 respect of the Board because they are not
12 variances that we're requesting.

13 VICE CHAIRMAN GRULLON: Okay.

14 Any other member of the -- of the Board
15 with any question?

16 MS. PEREZ: The rationale going three
17 buildings as opposed to two larger two family
18 houses, what was the rationale for that?

19 MR. PEREIRAS: Because we have 25 foot lots
20 and that's what's the permitted lot in Union
21 City, 25 foot wide. If we were to make two, we
22 would have to do a subdivision and create two
23 more lots, and then we're creating lots that are
24 nonconforming, as well, which we would have to
25 have variances for that as well.

1 VICE CHAIRMAN GRULLON: But with -- with
2 that, we'd -- let's say, two two families, you
3 will have the spaces in between that you have
4 plenty setback between each building, that it's
5 not going to look like a building, it will look
6 more like a house.

7 MR. PEREIRAS: And if I did one family, it
8 would be one house.

9 VICE CHAIRMAN GRULLON: Yes.

10 MR. PEREIRAS: But then it's not the
11 application before you and it's not what's
12 economically feasible, it's not what we could do.

13 And -- and in my opinion, this really fits
14 into the neighborhood, as far as scale. We're
15 keeping that width, which is typical in the
16 neighborhood. If we change this, and we make
17 these wider, that's not going to fit into the
18 neighborhood, because now, all of a sudden, you
19 have houses that are 20 foot wide, 20 foot -- 20
20 foot wide, and now you have a house that's going
21 to be 30 feet wide. I think that's uglier and --
22 and less conforming than if we were to do this.
23 It keeps that same rhythm.

24 VICE CHAIRMAN GRULLON: I mean, it's just
25 something with me that -- I mean, it looks more

1 | like a building there than a house, not typically
2 | housing you normally do. Sometime, even a three
3 | family houses that you come in front of us with
4 | design, they look like a house. This project
5 | look -- looks more like a building to me -- you
6 | know, something more like other areas of the --
7 | of the town, in other towns I have seen this, but
8 | not in Union City. And I know you're trying to
9 | bring new designs to Union City, but I just want
10 | to see --

11 | MR. PEREIRAS: So, if it's the look of it,
12 | I could always come back and change the look,
13 | make it look a little different. Because I -- it
14 | almost sounds like you're okay with the scale of
15 | it.

16 | VICE CHAIRMAN GRULLON: I -- I'm not okay
17 | with -- with three structures there.

18 | MR. PEREIRAS: You're not okay with three
19 | structures.

20 | VICE CHAIRMAN GRULLON: I'm not okay with
21 | three structures to the -- to the front line.
22 | And I -- I don't want to lose the parking,
23 | because I know you have -- one of the reasons why
24 | you did that was to provide enough parking.

25 | MR. PEREIRAS: Um hum.

1 VICE CHAIRMAN GRULLON: But again, I'm not
2 okay. I know it's in compliance with the height.
3 But the way it's presented, it doesn't fit the
4 neighborhood to me.

5 Should we have a one minute recess that you
6 can ask --

7 MR. PANEQUE: Well, if I may?

8 Mr. Pereiras, looking at that exhibit that
9 you have there, I believe it's your page Z01, the
10 bottom left hand corner, that's an aerial view of
11 the subject site.

12 Correct?

13 MR. PEREIRAS: That is correct.

14 MR. PANEQUE: To -- the subject site is
15 what you have the arrow pointing to.

16 MR. PEREIRAS: That is correct.

17 MR. PANEQUE: And that's the 75 feet
18 across.

19 MR. PEREIRAS: That's correct.

20 MR. PANEQUE: To the immediate left of
21 that, what's there?

22 MR. PEREIRAS: There is a multi-family
23 building. It is -- it's about 25 feet wide.
24 It's another story higher than -- I think it's a
25 three story building, but I will tell you in a

1 second.

2 MR. PANEQUE: And if you're doing that, I'd
3 also like to know what's to the right, because
4 those appear to be also multiple dwellings.

5 MR. PEREIRAS: They're also multi-family
6 buildings. They are three stories in height, the
7 ones to the right.

8 And -- and what I've created is basically
9 lining up the front of my building with all the
10 buildings along the neighborhood. I think it
11 actually will be even straight across, and then
12 you have the setback, and then the ten feet
13 higher.

14 MR. PANEQUE: Okay. The -- the ones to the
15 -- you say the ones to the left is a multiple
16 dwelling property.

17 MR. PEREIRAS: I think it's a mixed -- let
18 me look on Google Maps and be a hundred percent
19 sure.

20 VICE CHAIRMAN GRULLON: Well, those are --
21 those are preexisting conditions.

22 MR. PANEQUE: Yeah.

23 VICE CHAIRMAN GRULLON: I mean, those are,
24 I will say, prior to any zoning. Those are --

25 MR. PANEQUE: Correct.

1 VICE CHAIRMAN GRULLON: -- buildings dated
2 prior to 1970.

3 MR. PEREIRAS: There is commercial on the
4 ground floor and there is residential above on --

5 MR. PANEQUE: On which one? To the left?

6 MR. PEREIRAS: To the -- to the left.

7 MR. PANEQUE: Or to the right?

8 MR. PEREIRAS: To the left of the property.

9 MR. PANEQUE: To the left.

10 MR. PEREIRAS: And then, to the right of
11 the property we have -- the immediate right is a
12 three story multi-family structure. To the
13 immediate right of that, there's a three story
14 multi-family structure. To the immediate right
15 of that, there's a mixed use building. You have
16 commercial on the ground floor, relatively large
17 building, multi-family structure definitely
18 above. To the right of that, we have a --
19 actually that's a building I worked on. It has
20 an apartment on the ground floor. It has a
21 fabric store on the ground floor. And then, it
22 has four apartments above.

23 So, yeah, these are all multi-families,
24 larger buildings, larger structures.

25 Thank you, Mr. Paneque, for pointing that

1 out.

2 Our building actually fits in, in scale.
3 It fits in character. It really is conforming
4 with what the R neighborhood wants to be.

5 MR. PANEQUE: Now from an architectural
6 perspective, is it feasible to set back these
7 properties ten feet, based on the fact that you
8 only have a 60 foot in length lot?

9 MR. PEREIRAS: Because the limitations that
10 we have for the conditions of 60 feet, I don't
11 think it's architecturally feasible to create
12 good apartments. So that we know the -- the
13 apartment size is 981 square feet right now,
14 without the ten foot setback. If we were to
15 create that ten foot setback, we would have a 781
16 square foot apartment there, which for creating
17 new construction, something that we want in the
18 neighborhood, it actually doesn't even comply
19 with what the requirements are in Union City.

20 MR. PANEQUE: Well, there's no requirements
21 on -- on density for a two family.

22 MR. PEREIRAS: Not for a two family;
23 correct.

24 MR. PANEQUE: But I would just ask Mr.
25 Spatz.

1 Mr. Spatz?

2 MR. SPATZ: Yes.

3 MR. PANEQUE: If we remove ten feet from
4 these apartments and you end up with a 700 plus
5 square feet apartment on a two bedroom,
6 extrapolating that into a -- a four family and
7 up, would that meet the density requirement or
8 not?

9 MR. SPATZ: It -- it would. No, 750 is
10 what is required --

11 MR. PANEQUE: Okay.

12 MR. SPATZ: -- for a two --

13 MR. PANEQUE: A two bedroom unit?

14 MR. SPATZ: -- a two bedroom unit.

15 MR. PANEQUE: Okay.

16 So this would be -- this be either short of
17 that or -- or just meeting it.

18 MR. SPATZ: Right.

19 One -- one of the things I was going to
20 suggest, if I -- if I may, and -- and you pointed
21 out really what the difficulty is with developing
22 this lot is that it's only 60 foot deep. So, you
23 really can't push it back without eliminating the
24 rear yard and making the apartments
25 uninhabitable.

1 One of the things I was going to suggest
2 and -- you know, I -- I know the buildings have a
3 certain width so that you can get the cars in and
4 get the four cars in, is it possible to -- you
5 know, maybe six inches on one side, six on the
6 other side, make them a little bit narrower, and
7 then either give a four foot setback or maybe a
8 one foot so that it would be -- actually be four
9 foot between buildings, if that were possible, to
10 still maintain the -- the garage.

11 MR. PEREIRAS: I -- I think that's a very
12 reasonable request.

13 We lose square footage on every floor, but
14 if we make it entirely four -- we have three foot
15 one right now between buildings. We can make it
16 four feet between buildings.

17 MR. SPATZ: Right.

18 MR. PEREIRAS: We lose a foot. We're
19 sacrificing a lot because it's the width of the
20 bedrooms, because we have two along the back.
21 But I think that's a compromise that's
22 reasonable. And one of the other suggestions we
23 could do, instead of having five foot in the
24 rear, we could have three feet in the rear, so
25 that it's similar to the side yard, and take

1 | those two feet and push the building back to
2 | feet, so that we have more of a front yard and a
3 | little bit less of a rear yard. But the rear
4 | yard is matching the -- the side yard in that
5 | sense.

6 | MR. SPATZ: Right.

7 | I -- I was going to suggest if -- you know,
8 | obviously, the Board needs -- you know, to look
9 | at that, to grant then the variance for the rear
10 | yard. But if it were possible to do the same
11 | thing with the front of the building, to -- you
12 | know, the -- this is a generous area, the
13 | vestibule to get in. Maybe you could take a foot
14 | off of that.

15 | MR. PEREIRAS: Um hum.

16 | MR. SPATZ: The same thing. Since the cars
17 | that are parked in the front of that, I know it
18 | effects the bedrooms, certainly, in the front,
19 | but if it might be possible to take -- you know,
20 | a foot off the front of the building, give it a
21 | little setback -- you know, at least it will --
22 | you know, go towards the spirit of that.

23 | But I think the real difficulty with the
24 | property is that it's 60 -- it's only 60 feet
25 | deep. And you know, you can't have both a front

1 yard and a rear yard -- you know, without making
2 units that really are -- are very difficult. But
3 maybe a little bit of shaving, a little bit here
4 and there, you can get a little bit of a setback
5 and a little bit more spacing between the
6 buildings, might be a -- a way of dealing with
7 that.

8 MR. PEREIRAS: I think those are great
9 suggestions. The applicant is here. He's been
10 completely willing to work with the City. He's a
11 local guy. He lives here. He -- he does a lot
12 of work in the -- in the City. I think he's
13 totally willing to be as flexible as the City
14 needs in order to make this work.

15 MR. PANEQUE: If I may just, going back to
16 one of the comments made by our -- our Vice
17 Chairman, Mr. Grullon, your depiction of -- of
18 the three properties is very well done. I
19 believe the -- the Vice Chairman's comment is
20 that looking at it, it does look like a building.

21 Okay?

22 Can you make it so that each property has
23 its own character? Whether it's by changing the
24 color of the brick, maybe changing the design on
25 the window, so that it doesn't effect the

1 interior, but as you drive by, you're not looking
2 at this structure that jumps out at you, but
3 you're looking at three separate individual two
4 family homes?

5 MR. PEREIRAS: Yet, again, I think that's a
6 great suggestion and what we could do is we could
7 change the -- the tones and colors of the middle
8 one, and that alone is going to really separate
9 them and -- and make them read even more as three
10 separate structures.

11 VICE CHAIRMAN GRULLON: And at the same
12 time, if you could set back, even if you leave
13 the ground floor, let's say, at five feet maybe,
14 from the second floor up, to move it a little bit
15 back.

16 MR. PANEQUE: Okay.

17 VICE CHAIRMAN GRULLON: But I would like to
18 see it before we make a decision.

19 MR. PEREIRAS: Okay.

20 VICE CHAIRMAN GRULLON: I don't know how
21 you feel about that.

22 MR. PEREIRAS: Okay.

23 VICE CHAIRMAN GRULLON: Yeah. If you want
24 to, because you know, to me, that's what catch
25 me. When I look at -- when I look at the

1 rendering, I see a building. I am not seeing
2 houses. When I -- when I was reading for the
3 application, that I saw two family houses and you
4 know, I say, oh, this is fantastic. This is what
5 we need in that area. But looking at the
6 rendering, it looks more like a four floor
7 building. And -- and it looks like one -- one
8 straight building. Maybe because you did at an
9 angle like that.

10 MR. PEREIRAS: Um hum.

11 VICE CHAIRMAN GRULLON: You take a picture
12 from the front, maybe it will look different and
13 as counselor say, if you can change a little bit
14 the colors and the settings at the front -- you
15 know, let's -- I would suggest.

16 Any -- anybody else has any comments?

17 MR. PRESSEY: No, that was good.

18 MS. PEREZ: Sounds good.

19 MR. PRESSEY: Um hum.

20 MR. PANEQUE: I just have one comment, and
21 that is, with respect to the -- the rear yard.
22 The rear yard that you're proposing now is a five
23 foot rear yard?

24 MR. PEREIRAS: It's five foot clear. Yes.
25 But it's actually a little bit larger because the

1 -- the back property line is at an angle. So,
2 it's five foot at the smallest dimension.

3 MR. PANEQUE: If we -- and this is
4 something, as -- I'm throwing out to the Board,
5 as a thought.

6 Having an open space for a family, we've
7 learned this through this pandemic that we're
8 living through, is critical.

9 Okay?

10 So, I'm just throwing it out there because
11 that five foot is usable space. Set up a small
12 patio, you go out there, sit down, smell some
13 fresh air. Bringing that five foot down to three
14 feet basically becomes unusable, from -- from any
15 perspective. I mean, you -- you could go out
16 into a three foot space and about -- this table
17 is about three feet and you're going to sit here
18 and not be able to turn your neck.

19 So, I -- I'm just throwing it out there to
20 the Board, see if the Board has any other
21 suggestions because I think the five foot rear
22 yard does add something valuable to the residents
23 who are going to live here, especially the ones
24 on that first floor. I don't see a balcony for
25 them anywhere. The rear -- the top floor has the

1 balcony on front, which you said it's a ten foot
2 balcony, by the width of the house, 25. That's a
3 250 square foot --

4 MR. PEREIRAS: Um hum.

5 MR. PANEQUE: -- balcony, which is a very
6 sizable balcony to have a chair, a table and sit
7 and -- and have some fresh air. The other --
8 bottom floor has nothing. So --

9 VICE CHAIRMAN GRULLON: No, definitely. We
10 don't want to sacrifice the -- the yard.

11 MR. PANEQUE: Okay.

12 VICE CHAIRMAN GRULLON: We used to see
13 houses with 15, 25 -- 25 feet yards. But what's
14 been needed is five feet, we don't want to
15 sacrifice the yard just to see if we can get some
16 open space in front. Maybe by minimizing the
17 apartment inside, the -- the corridor, the hall
18 -- the hallway going to the garage -- you know,
19 the lobby. But see -- see what you can do just
20 to -- to scale down the -- the houses that they
21 don't look like a building.

22 MR. PEREIRAS: Okay.

23 MR. PANEQUE: Ms. Pereiras, you want to
24 make an application to carry this?

25 MS. PEREIRAS: Yes, counsel. If we could

1 | carry this --

2 | VICE CHAIRMAN GRULLON: Should --

3 | MS. PEREIRAS: -- to the next possible
4 | meeting.

5 | VICE CHAIRMAN GRULLON: Should we open to
6 | the public for comment?

7 | MS. PEREIRAS: I'm sorry?

8 | MR. PANEQUE: I think the -- well, yeah.
9 | You can open it to the public.

10 | VICE CHAIRMAN GRULLON: Anyone -- anyone
11 | from the public wants to step forward?

12 | No one from the public.

13 | Ms. Pereiras?

14 | MS. PEREIRAS: Yes. Hearing the Board's
15 | comments, if the Board would be so kind as to
16 | grant us an adjournment to the next possible
17 | meeting so that we could look at those comments
18 | and hopefully address them.

19 | VICE CHAIRMAN GRULLON: Thank you.

20 | MR. PANEQUE: Is there a motion?

21 | THE SECRETARY: Motion to carry to the
22 | October 8 meeting, --

23 | VICE CHAIRMAN GRULLON: Motion.

24 | THE SECRETARY: -- same place.

25 | VICE CHAIRMAN GRULLON: I make the motion.

1 THE SECRETARY: Six p.m.

2 Motion by Mr. Gullon.

3 Any second the motion?

4 Ms. Watley seconded the motion.

5 VICE CHAIRMAN GRULLON: Okay.

6 Mr. Pereiras, you're going to have revised
7 plans?

8 MR. PEREIRAS: I'll prepare revised plans.

9 And maybe what we could suggest, is I could
10 submit them to Mr. Spatz ahead of the meeting, so
11 that he could find something that we could work
12 together to find something that the City will --
13 will find approvable. And then we'll come to the
14 Board.

15 VICE CHAIRMAN GRULLON: Okay.

16 Thank you.

17 MR. SPATZ: Yeah, that's fine. And that
18 way, I can do a review of the changes for the
19 Board. They'll have them in hand for the next
20 meeting. That works.

21 THE SECRETARY: All right.

22 A motion on the table to adjourn this
23 application for October 8, 2020 by Mr. Gullon.

24 Seconded by Ms. Watley.

25 Roll call on the motion to adjourn this

1 application, and they require revised plans, with
2 the conditions.

3 Mr. Grullon?

4 VICE CHAIRMAN GRULLON: Yes.

5 THE SECRETARY: Ms. Gut -- Ms. (sic)
6 Pressey?

7 MR. PRESSEY: Yes.

8 THE SECRETARY: Mr. Pressey. I'm sorry,
9 sir.

10 MR. PRESSEY: Yeah, whatever.

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

12 MR. MEDINA: Yes.

13 THE SECRETARY: Mr. Ortiz?

14 MR. ORTIZ: Yes.

15 THE SECRETARY: Ms. Perez?

16 MS. PEREZ: Yes.

17 THE SECRETARY: Mr. Cetinich?

18 MR. CETINICH: Yes.

19 THE SECRETARY: Ms. Watley?

20 MS. WATLEY: Yes.

21 THE SECRETARY: Seven in favor.

22 Motion carries.

23 MR. PANEQUE: Ms. Pereiras, the matter is
24 being carried without the necessity for any
25 further notices or publication. Just have your

1 submissions at least ten days prior to the next
2 meeting.

3 MS. PEREIRAS: Absolutely.

4 MR. PANEQUE: Thank you.

5 MS. PEREIRAS: Thank you, counsel.

6 And thank you, all.

7 MR. PEREIRAS: Thank you everyone.

8 MS. PEREIRAS: Good night.

9 We'll see you next month.

10 THE SECRETARY: Thank you.

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

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ADOPTION OF RESOLUTIONS:

(1) Resolution to Appoint the Attorney to the Zoning Board of Adjustment, retroactive on July 1, 2020 through June 30, 2021

(2) 720 8th Street Union City Renewal Associates, LP, 720 8th Street, Block 42, Lot 9. Proposes six story, 101 unit senior residential housing with retail and two levels of parking.

The applicant is seeking for a one year extension. The resolution was memorialized on September 13, 2018. **Approved**

(3) 203 Union, LLC, 203 34th Street, Block 200, Lot 5. Applicant proposes to convert an existing commercial space into two residential units to convert the existing building into a nine unit residential multi-family building. **Approved**

Revised Resolution:

(1) 1401-1407 New York Avenue, Block 73, Lot 24 & 25. The applicant proposes to legalize an existing mixed use building. The number of residential units will increase from five to six (one studio), plus the commercial space.

Approved

1

2 THE SECRETARY: One second. One second.
3 Two more minutes. Then we break.

4 All right.

5 We are going to move into Resolutions.

6 We have four Resolutions on tonight's
7 agenda.

8 Resolution number 1 to appoint attorney to
9 the Zoning Board of Adjustment, retroactive of
10 July 1st, 2020 to June 30, 2021.

11 Resolution number 2.

12 720 8th Street, Union City Renewal
13 Association (sic), LP, 720 8th Street.

14 Resolution number 3.

15 203 Union, LLC, 203 dash -- I'm sorry --
16 203 34th Street.

17 And we have one revised Resolution.

18 1401-1407 New York Avenue.

19 Can I have a motion to adopt these
20 Resolutions?

21 VICE CHAIRMAN GRULLON: Motion.

22 THE SECRETARY: Motion by Mr. Grullon.

23 MR. ORTIZ: Second.

24 THE SECRETARY: Second by Mr. Ortiz.

25 Roll call on the motion to adjourn (sic)

1 | this -- these Resolution.

2 | I'm sorry.

3 | Roll call on the motion to memorialize
4 | these Resolutions.

5 | Mr. Grullon?

6 | VICE CHAIRMAN GRULLON: Yes.

7 | THE SECRETARY: Mr. Pressey?

8 | MR. PRESSEY: Yes.

9 | THE SECRETARY: Mr. Medina?

10 | MR. MEDINA: Yes.

11 | THE SECRETARY: Mr. Ortiz?

12 | MR. ORTIZ: Yes.

13 | THE SECRETARY: Ms. Perez?

14 | MS. PEREZ: Yes.

15 | THE SECRETARY: Mr. Cetinich?

16 | MR. CETINICH: Yes.

17 | THE SECRETARY: Ms. Watley?

18 | MS. WATLEY: Yes.

19 | THE SECRETARY: Seven in favor.

20 | Motion carries.

21 | * * *

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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. ORTIZ: Second.

8 THE SECRETARY: Seconded by Mr. Ortiz.
9 All in favor?

10

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

12

13 THE SECRETARY: The ayes have it.

14 Thank you and good night everyone.

15 MR. PRESSEY: Thank you.

16 THE SECRETARY: Let the record show the
17 meeting has ended.

18

19 (Whereupon, the proceedings were concluded
20 at 7:32 p.m.)

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25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

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

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25 Monitored and proofread by: Deborah Dillon