

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, March 11, 2021
Commencing at 6:15 p.m.

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

JOHN MEDINA
MIGUEL ORTIZ
ROSIO PENA, Alternate No. 1
GERALDINE PEREZ, Alternate No. 2
MINDRY WATLEY, Alternate No. 4
MARGARITA GUTIERREZ, Vice Chairperson
VICTOR M. GRULLON, Chairperson

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

LIBERO MAROTTA
DAVID W. PRESSEY
RAYMOND CETINICH, Alternate No. 3

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

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, Park Avenue Investments, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 391 Mountain Road, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 3329 Hudson Ave., LLC

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Albert Arencibia

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1 THE SECRETARY: All right, Mr. Grullon, are
2 we ready?

3 CHAIRPERSON GRULLON: We're ready.

4 I -- I guess --

5 THE SECRETARY: Yeah, we --

6 CHAIRPERSON GRULLON: Let's --

7 THE SECRETARY: -- we're starting --

8 MR. PANEQUE: Let's start.

9 THE SECRETARY: -- to do the minutes.

10 MR. PANEQUE: Yeah.

11 THE SECRETARY: We start.

12 May I have your attention, please?

13 Please take notice that on Thursday, March
14 11, 2021, at six p.m., a Regular Meeting is
15 scheduled for the Union City Zoning Board of
16 Adjustment, to be held in the Union City High
17 School, located at 2500 John F. Kennedy
18 Boulevard, Union City, New Jersey.

19 Can everybody kindly rise to salute the
20 flag, please?

21

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

24

25 THE SECRETARY: Adequate notice for this

1 meeting has been provided as follow:

2 Notice of this meeting setting forth the
3 time, date, location, to the agenda, to the
4 extent known, was forwarded to The Jersey
5 Journal, The Record, and The Hudson Reporter, has
6 been posted on the bulletin board in City Hall,
7 and has been made available to the public in the
8 Office of the Municipal Clerk.

9 Also, it has been posted in the Union City
10 High School.

11

12 **ROLL CALL:**

13

14 THE SECRETARY: Roll call -- roll call for
15 tonight's meeting.

16 Mr. Grullon?

17 CHAIRPERSON GRULLON: Present.

18 THE SECRETARY: Mr. Marotta is absent.

19 Ms. Gutierrez?

20 VICE CHAIRPERSON GUTIERREZ: Present.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Present.

23 THE SECRETARY: Mr. Pressey's absent.

24 Mr. Medina?

25 MR. MEDINA: Here.

1 THE SECRETARY: Ms. Pena?

2 MS. PENA: Present.

3 THE SECRETARY: Ms. Perez?

4 MS. PEREZ: Here.

5 THE SECRETARY: Mr. Cetinich is absent.

6 Ms. Watley?

7 MS. WATLEY: Here.

8 THE SECRETARY: Let the record indicate
9 there are seven present.

10 We have a full quorum for tonight's
11 meeting.

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1 **ADOPTION OF MINUTES:**

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

4

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

7 Can I have a motion?

8 CHAIRPERSON GRULLON: Motion.

9 THE SECRETARY: Motion made by Mr. --

10 VICE CHAIRPERSON GUTIERREZ: Second.

11 THE SECRETARY: -- Grullon.

12 Seconded by Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Grullon?

15 CHAIRPERSON GRULLON: Yes.

16 THE SECRETARY: Ms. Gutierrez?

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Ortiz?

19 MR. ORTIZ: Yes.

20 THE SECRETARY: Ms. Perez?

21 MS. PEREZ: Yes.

22 THE SECRETARY: Four in favor.

23 Motion carries.

24 * * *

25

1 **Park Avenue Investments, LLC -**

2 **3801 Park Avenue:**

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4 THE SECRETARY: Hearings and Applications.

5 Park Avenue Investment LLC, 3801 Park
6 Avenue.

7 Ms. Pereiras, please?

8 MR. PANEQUE: I'll get them a minute.

9 Can we go off the record a minute?

10 MS. DILLON: Sure.

11 MR. PANEQUE: Thank you.

12

13 (Off the record at 6:18 p.m.)

14 (On the record at 6:19 p.m.)

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1 **391 Mountain Road, LLC -**

2 **391 Mountain Road:**

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4 MR. PANEQUE: Let's call 391 Mountain
5 first.

6 They're going to adjourn.

7 THE SECRETARY: All right.

8 Debbie, on the record?

9 MS. DILLON: Yes.

10 On the record.

11 THE SECRETARY: We are going to change, a
12 little bit, the -- tonight's order of the agenda.

13 We are going to call first 391 Mountain
14 Road, LLC.

15 Ms. Pereiras, please?

16 MR. PANEQUE: Thank you.

17 MS. PEREIRAS: Thank you.

18 MR. PANEQUE: Let the record reflect that
19 I've been provided, by the applicant's attorney,
20 with the following documentation:

21 I have a certification as to publication
22 and service, in which Attorney Bianca Pereiras
23 indicates that notice of tonight's hearing, with
24 respect to the property located at 391 Mountain
25 Road, was sent to all property owners within the

1 200 foot radius, giving notice of the meeting for
2 tonight at this location, the Union City High
3 School.

4 The notice -- the certification also
5 indicates that the notice was published in the
6 newspaper.

7 I have also been provided with an affidavit
8 from The Jersey Journal indicating that notice of
9 tonight's hearing, with respect to the subject
10 property, was published in the newspaper on
11 February 27th, 2021.

12 I've also been provided with a list of the
13 property owners within the 200 foot radius, that
14 was prepared by the Union City Tax Assessor, with
15 a date of March 1st, 2021.

16 I've also been provided with the certified
17 mail receipts, with a stamp date of March 1st,
18 2021.

19 Just made it under the wire.

20 Based on the documentation that has been
21 provided, this Board has jurisdiction to proceed
22 and hear the matter.

23 MS. PEREIRAS: Thank you very much,
24 counsel.

25 Good evening, Mr. Chairman, members of the

1 Board.

2 May it please the Board, Bianca Pereiras,
3 on behalf of the applicant.

4 I have a request of the Board. We are in
5 the process of modifying this application a
6 little bit more and we ask if this matter can be
7 carried to next month. Obviously, we will
8 provide the Board with revised drawings prior to
9 the meeting.

10 MR. PANEQUE: New notices.

11 CHAIRPERSON GRULLON: Yeah.

12 Since we are going to have revised drawing,
13 are you going to re-notice?

14 MS. PEREIRAS: I -- I do not believe I'm
15 going to have to re-notice. I don't believe the
16 modifications will require re-notice.

17 If it's modified significantly, I will
18 approach counsel with that. And if he believes
19 that I need to, then I will do so.

20 CHAIRPERSON GRULLON: Okay.

21 Then I have no objection. I accept the
22 request to adjourn this application for the next
23 meeting.

24 I make a motion.

25 THE SECRETARY: Motion on the table to

1 adjourn this application --

2 VICE CHAIRPERSON GUTIERREZ: I'm --

3 THE SECRETARY: -- for April 8, 2021.

4 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

5 THE SECRETARY: By Mr. Grullon.

6 Seconded by Ms. Gutierrez.

7 Roll call on the motion.

8 Mr. Grullon?

9 CHAIRPERSON GRULLON: Yes.

10 THE SECRETARY: Ms. Gutierrez?

11 VICE CHAIRPERSON GUTIERREZ: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Ms. Pena?

17 MS. PENA: Yes.

18 THE SECRETARY: Ms. Perez?

19 MS. PEREZ: Yes.

20 THE SECRETARY: Ms. Watley?

21 MS. WATLEY: Yes.

22 THE SECRETARY: Seven in favor.

23 Motion carries.

24 MS. PEREIRAS: Thank you all very much.

25 MR. PANEQUE: You going to make a general

1 announcement?

2 CHAIRPERSON GRULLON: What -- what date was
3 that, Carlos, the next meeting?

4 THE SECRETARY: April 8.

5 CHAIRPERSON GRULLON: April 8?

6 THE SECRETARY: Yes, pending whatever --

7 CHAIRPERSON GRULLON: Okay.

8 THE SECRETARY: -- revised plan they're
9 going --

10 CHAIRPERSON GRULLON: If --

11 THE SECRETARY: -- doing --

12 CHAIRPERSON GRULLON: If any of member of
13 the public's here for application number 2, 391
14 Mountain Road, this application is going to be
15 carried to the next meeting of April 9 (sic) --

16 MR. PANEQUE: Eight.

17 THE SECRETARY: Eight.

18 Eight.

19 CHAIRPERSON GRULLON: Eight.

20 Eight.

21 Eight.

22 I'm sorry. April 8.

23 MR. PANEQUE: No new notice --

24 CHAIRPERSON GRULLON: 391 --

25 No new notice as of today unless there is a

1 significant change to the -- to the plans.

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1 **Park Avenue Investments, LLC -**

2 **3801 Park Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, Park Avenue Investments, LLC,
6 3801 Park Avenue.

7 Ms. Pereiras, please?

8 MS. PEREIRAS: Thank you.

9 Bianca Pereiras on behalf of the applicant,
10 3801 -- for 3801 Park Avenue, also known as Block
11 228, Lot 19.01.

12 The Board may recall, at the last meeting
13 we submitted our jurisdictional submissions.
14 However, it was a late night and this matter was
15 carried to today's date.

16 The application before the Board is to
17 legalize one apartment in an existing multi-
18 family.

19 Currently, we have six residential units.
20 We are looking to legalize one, for a total of
21 seven units onsite.

22 I'd like to begin today's presentation with
23 our architect, Mr. Manuel Pereiras.

24 MS. DILLON: Please raise your right hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. PEREIRAS: I do.

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

5 MR. PEREIRAS: Manny Pereiras, P-E-R-E-I-R-
6 A-S, with Pereiras Architects Ubiquitous, 1116
7 Summit Avenue, Union City, New Jersey.

8 MS. PEREIRAS: For purposes of the record,
9 Mr. Pereiras has testified before the Board in
10 the past.

11 CHAIRPERSON GRULLON: We accept your
12 qualifications --

13 MS. PEREIRAS: Thank you.

14 CHAIRPERSON GRULLON: -- Mr. Pereiras.

15 MR. PEREIRAS: Thank you.

16 MS. PEREIRAS: Mr. Pereiras, are you
17 familiar with the property at 3801 Park Avenue?

18 MR. PEREIRAS: I am.

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

21 MR. PEREIRAS: I did.

22 MS. PEREIRAS: And would you kindly
23 describe the project for the Board?

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

25 Our property sits right on the corner of

1 38th and Park Avenue. It's a preexisting
2 building.

3 We're not looking to make any changes to
4 the exterior. We have a few existing non-
5 conformities, as far as variances are.

6 We're an undersize lot. We're at 1,841.
7 We have a minimum lot depth of 71.31. So those
8 are two variances right there; preexisting
9 non-conforming.

10 We have side yards, front yard, rear yard
11 -- all because we're dealing with a preexisting
12 footprint.

13 What we are changing to the outside is this
14 small corner right here. That's a small addition
15 that we're doing. And I'm going to describe it
16 in more detail in the next sheets.

17 Can you hear me okay?

18 MS. DILLON: You -- you can't put your back
19 to the mic.

20 MR. PEREIRAS: Okay.

21 Let's do this. I think this will work.

22 MS. DILLON: That's perfect.

23 MR. PEREIRAS: Okay. Good.

24 MS. DILLON: Thank you, Manny.

25 MR. PEREIRAS: I am turning now to sheet

1 Z02.

2 In sheet Z02 we see all the floors of this
3 existing building. We have the basement, ground
4 floor, second floor, and third floor.

5 As you could see, we live in a very
6 different world today. We couldn't enter the
7 apartments to measure because of the COVID
8 situation. So we were able to measure the
9 exterior of the apartments, the -- the
10 stairwells. And we know how many bedrooms they
11 are and we measured the -- the square footage
12 based on the footprint of the building.

13 So, we have -- preexisting in the building,
14 we have six apartments -- one bedrooms, that are
15 722, 472, 472, 472, 722 and, I believe 567.
16 Those are all preexisting conditions.

17 What we're looking to do is legalize a
18 basement on the ground floor.

19 Currently, there are very few walls there
20 -- there was a basement in there -- after the --
21 the owner demolished that basement. And now
22 we're looking to legalize and do it the right
23 way.

24 We're looking to do a two bedroom
25 apartment. These stairs right here are the

1 addition that we propose.

2 You enter on the ground floor, small
3 landing, and take the steps down into the
4 apartment, where you're entering into a living
5 room/dining room area, kitchenette, and then the
6 two bedrooms.

7 Good-size bedrooms with large windows that
8 we're enlarging the -- the window well next to
9 it.

10 This apartment is going to be 831 square
11 feet. Generous. It's got very tall ceilings.
12 It's going to be a beautiful apartment. It's
13 definitely not going to feel like a basement
14 apartment. It's going to be perfect. And it's
15 -- and -- and it will work great.

16 Since we're doing this, we're going to
17 upgrade all of the Code issues in this building.
18 That's going to have a limited area sprinkler
19 system on that unit.

20 We're going to upgrade the fire alarm
21 throughout the entire building. So all the
22 common areas are going to have a low-voltage
23 system.

24 We're going to increase the fire rating
25 between that floor and the floors above it, as

1 well as the common area fire rating.

2 So, we're -- it's definitely a benefit to
3 the building.

4 And we have a planner that could talk a
5 little bit more about those benefits and the
6 positive criteria.

7 Finally, in elevation, what you see is the
8 small addition that we're doing just to be able
9 to get into that basement. So it's going to have
10 its own independent entrance for that apartment.

11 And that concludes my testimony.

12 CHAIRPERSON GRULLON: Thank you, Mr.
13 Pereiras.

14 You want to bring your next witness?

15 MS. PEREIRAS: Happy to do so.

16 Mr. Eben?

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

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

21 MR. EBEN: I do.

22 MS. DILLON: Please state your name for the
23 record.

24 MR. EBEN: Jerome Eben, E-B-E-N.

25 MS. DILLON: Thank you.

1 MR. EBEN: 26 Walker Road, West Orange, New
2 Jersey 07052.

3 MS. PEREIRAS: Mr. Chairman and Board
4 members, I'd like to reintroduce you to Mr.
5 Jerome Eben. He was here last month with us and
6 presented and this Board accepted him --

7 CHAIRPERSON GRULLON: Yes.

8 MS. PEREIRAS: -- as an expert in the field
9 of planning.

10 CHAIRPERSON GRULLON: Thank you.

11 MS. PEREIRAS: For the record, --

12 CHAIRPERSON GRULLON: We accept your
13 qualifications.

14 MS. PEREIRAS: Thank you very much.

15 Mr. Eben, would you kindly describe the
16 project from a planning perspective for the
17 Board?

18 MR. EBEN: Sure will.

19 Thank you.

20 All right. As I do -- as I do in most
21 cases, I visited the site. I drove around the
22 area. I also looked at your 2018 Reexamination
23 Report by Heyer Gruel and Associates, approved by
24 the Planning Board in -- early 2019. Report was
25 an update from the master plan of 2009. I

1 reviewed the memorandum by Mr. Spatz, who sits
2 here.

3 And I'd just like to go over a couple of
4 things that -- that I think will support the
5 renovation of this apartment.

6 All right?

7 There's a strong indication of a stable and
8 continued redevelopment pattern that
9 characterizes the potential of the R low-density
10 residential zone relating out -- radiating out
11 beyond the 200 foot edges of this site.

12 I noticed at least several residential
13 projects either under renovation during my drive
14 around the area or even possibly recently
15 completed.

16 This provides an example that our economy,
17 hopefully, is coming back from this pandemic and
18 that people have faith in the upward mobile
19 neighborhood, which your leaders know that will
20 extend throughout the whole community.

21 Through the various projects that I have
22 provided testimony here over the couple of --
23 last couple years, I've gained a complete
24 understanding of your land use pattern and a
25 complete understanding of -- of a couple of

1 points, which I'd like to repeat here.

2 Preservation and enhancement of the social
3 and economic wellbeing of the population.

4 The conservation and enhancement of
5 existing building value. And that's exactly what
6 we're doing here.

7 I have studied the design documents that
8 were prepared by Mr. Pereiras and I'd just like
9 to give a little bit more definition of what
10 we're doing here.

11 Again, the site is a low-density
12 residential district, existing building stock in
13 this zone consists mostly of low-density
14 residential units of masonry and frame
15 construction on narrow lot -- lots, averaging
16 about 2500 square feet. Though there are
17 several, such -- such as this particular
18 property, that are slightly below the average.

19 There are other buildings that are also
20 above the three -- three family units that do
21 exist in this zone.

22 And the Reexamination Report speaks to
23 grandfather-- grandfathering some of these --
24 some of these housing units.

25 Most of the sites cover the entire lots.

1 They sit on either building or paving; though
2 there are some small rear and side yards that I
3 noticed.

4 In fact across the street someone, I think,
5 is trying to grow some grapes for wine.

6 The immediate area --

7 Not now but when the summer comes.

8 The -- the immediate area can be described
9 as in -- as in effect an area of transition. The
10 Reexamination plan recognizes and I believe the
11 Zoning Ordinance will eventually catch up with
12 this.

13 Our proposed site has some general
14 description of the site as follows:

15 Permitted use is a three family. This is a
16 proposed existing six family; we're going to make
17 it a seven family with the renovation of the --
18 of the apartment. That's a D variance.

19 The minimum lot area required is 2500, as I
20 stated. This -- this lot is 1841 square feet or
21 74 percent of the requirement zone.

22 The required lot width is 25 feet and the
23 existing site is in conformance.

24 The minimum lot depth of a hundred feet,
25 where the existing is 73.31 feet or about 73

1 percent of the requirement of the zone.

2 Therefore, the site is an existing
3 nonconforming with no available land to purchase
4 to make it into conformance.

5 The minimum front yard is ten feet. And
6 the existing west to east starts at 935 or 93
7 percent of the requirement. And southwest corner
8 running to 4.35, which is the prevailing number
9 that is used.

10 It is consistent with the remaining
11 properties along Park Avenue to 39th Street.

12 The minimum rear yard is five feet. The
13 existing runs from 2.49 to 2.57. That will
14 remain with the proposed small addition that the
15 architect talked about, which is a second means
16 of egress and it's just under 72 square feet.

17 The minimum side yard requirement is two on
18 one side; five for both sides. The existing is
19 at zero, therefore, the site is existing
20 nonconforming. And, again, we can't purchase any
21 land to make it in conformance.

22 The maximum building height and stories is
23 four, where we are three. That will remain. And
24 45 feet in height, where we are -- will remain at
25 33 feet. So, we're in conformance there.

1 The maximum building coverage is 85
2 percent. The lot coverage is a hundred percent.
3 And that will remain and we are in conformance.

4 The remaining items are C1 variances and,
5 through the uniqueness of the existing conditions
6 and the hardship of the extraordinary and
7 exceptional situation uniquely affecting this
8 property, the existing structure upon which
9 therefore is justification for the approval of
10 these variances.

11 Off-street parking is a requirement of 12
12 spaces, of which when we add the apartment -- the
13 renovated apartment, we'll need two more spaces
14 or 14.

15 The parking situation is a C2 variance and
16 is specific to this particular use. There are
17 several adjoining properties along Park Avenue
18 with the same condition and this is -- this is
19 proposed as an affordable apartment.

20 The property never had any dedicated
21 parking. And, in fact, all of the -- current
22 residents don't have cars, so I've been told by
23 the -- by the owner.

24 In my -- in my regarded -- the kind of
25 apartment is that we have plenty of public

1 transportation along Park Avenue and if anybody
2 should purchase a car, arrangements will have to
3 be made or have already been made with this
4 particular Board.

5 Both the C1 and the C2 variances we're
6 seeking can easily be granted by reason of
7 exceptional narrowness of the property. We grant
8 the negative criteria because there is no
9 substantial detriment to the public good and it's
10 without substantial impairment and intent of the
11 purpose of the zone plan or the Zoning ordinance.

12 The remaining use or the D1 variance
13 requires circumstances in which special reasons
14 are required for a D variance for a multi-family
15 seven unit apartment house. And, in this case,
16 the site is particularly suitable for the
17 proposed use as follows:

18 It encourages municipal action to guide the
19 -- the appropriate use of the development of all
20 lands.

21 Provide adequate light and air by
22 increasing the window well and the windows.

23 Promote the --

24 And the upgrading, of course, of the fire
25 alarm.

1 To promote the desirable environment
2 through the creative development techniques,
3 which I believe has been accomplished by the
4 architect.

5 And encourage a planned unit with
6 structural improvements, which incorporate the
7 best features of design that relate to the type,
8 design, and layout of, in this case, of a
9 residential unit in a particular site location.

10 Encourage the coordination at various
11 public and private procedure --

12 Which is why we're here tonight.

13 -- in view of lessening the cost of such
14 development and more efficient use of existing
15 space.

16 Positive criteria.

17 Is the proposed use is not allowed by
18 ordinance but -- but approving this application,
19 as members of the Board, you will be supporting a
20 facility that complements its size and scale of
21 the more recent architecture existing or close by
22 in the district, putting a much improved
23 condition and creating a safe and, above all,
24 affordable apartment.

25 Proposed use in this infill renovation, as

1 | stated, is aligning with the positive goals of
2 | the City's Reexamination report as follows:

3 | Allowing for appropriate mix of building
4 | types and uses and culmination of what today is a
5 | substandard apartment.

6 | The proposed renovation reinforces the City
7 | as a desirable location for new families in close
8 | proximity to places of business and recreation.

9 | And in my driving tour of the surrounding
10 | area I found a strong indication of a stable and
11 | continued redevelopment pattern, which
12 | characterizes and is beginning to radiate beyond
13 | the 200 foot radius.

14 | Negative criteria.

15 | Concerning the negative criteria, I believe
16 | again, the architect and above all the
17 | client/applicant have worked together to solve
18 | some of the inherent problems this existing
19 | apartment had had.

20 | There is no substantial impairment to the
21 | -- to the purpose of the zone plan or the Zoning
22 | ordinance.

23 | And the members of -- of the City of Union
24 | Zoning -- Union City Zoning Board of Adjustment
25 | can, again, easily grant this application.

1 Therefore, it's my opinion that in
2 accordance with the Master Plan, the -- the
3 Reexamination Report, and Municipal Land Use Law,
4 there is a balanced land use pattern that
5 preserves the existing, while at the same time,
6 improving the potential vibrancy of this
7 neighborhood.

8 That's it. That's my --

9 MS. PEREIRAS: Thank you, Mr. Eben.

10 CHAIRPERSON GRULLON: Thank you, Mr. Eben.

11 MS. PEREIRAS: Mr. Chairman, our -- our
12 professionals --

13 MR. EBEN: Questions?

14 MS. PEREIRAS: -- are open for your
15 questions.

16 CHAIRPERSON GRULLON: Mr. Eben, I believe
17 you covered everything.

18 And the only question that I have is -- is
19 your visit through the area.

20 Did you notice any buildings of that height
21 in the surrounding area?

22 The height of the building?

23 MR. EBEN: I absolutely cannot hear him.
24 So, --

25 CHAIRPERSON GRULLON: No, I mean if when

1 | you visit the area, if you were able to notice
2 | any buildings of that height, like 35 feet or
3 | higher, in the surrounding 200 feet?

4 | MR. EBEN: They're all -- there are
5 | buildings that are lower and there are buildings
6 | that are -- that are about the height --

7 | The maximum height is 45 in the area. I
8 | didn't measure them or -- you know, I didn't have
9 | a way to measure them but just by driving around
10 | the area.

11 | And the other side of the street is the --
12 | is Weehawken. It's not -- it's not in your area.
13 | Those -- those buildings are also higher.

14 | CHAIRPERSON GRULLON: Okay.

15 | MR. EBEN: But it's not in your -- not in
16 | your community; across the street of Park Avenue.

17 | CHAIRPERSON GRULLON: Okay.

18 | I -- I don't have any questions for -- for
19 | you.

20 | Thank you, very much.

21 | Mr. Pereiras, my question now is for the --
22 | the rear portion that you're adding on the west
23 | side of the building.

24 | MR. PEREIRAS: Yes.

25 | CHAIRPERSON GRULLON: What is there now?

1 MR. PEREIRAS: So right now there are Bilco
2 doors. So that footprint is already being
3 covered by doors and a stair that goes down to
4 the basement.

5 We're really -- all we're doing is making
6 it a safe condition. So instead of somebody
7 opening up Bilco doors and going down, we're
8 building a cover --

9 VICE CHAIRPERSON GUTIERREZ: Okay.

10 MR. PEREIRAS: -- with a door, so somebody
11 can walk in and walk down safely.

12 CHAIRPERSON GRULLON: But is that a park--

13 MR. PEREIRAS: So it's all preexisting --

14 CHAIRPERSON GRULLON: -- is that a parking
15 by any chance? Or no?

16 MR. PEREIRAS: No, there's no parking.

17 So there's a space behind this building
18 that looks like parking. But that's actually not
19 our property line. It's the adjacent property
20 line.

21 CHAIRPERSON GRULLON: Okay.

22 And how big is that portion that you're
23 adding to the building?

24 MR. PEREIRAS: It is -- it is five foot
25 five inches wide by 13 feet one inch in length.

1 CHAIRPERSON GRULLON: Are you proposing to
2 do anything else with the building?

3 Like the façade or increasing height of the
4 building?

5 MR. PEREIRAS: No, the building height
6 remains the same. We're not doing anything to
7 change it.

8 The only thing that we're doing is that one
9 story small area there.

10 And we could beautify that area actually.
11 There's a little bit of space between the
12 property line and the building, we could add --
13 we could add some landscaping there to create --
14 beautify the façade a little bit.

15 CHAIRPERSON GRULLON: All right.

16 Thank you for considering that. I think
17 that will be great.

18 MR. PANEQUE: Who's -- (indiscernible) --
19 is this?

20 CHAIRPERSON GRULLON: Yeah, no, because
21 that -- that's -- that was the reason of my
22 question.

23 Because I see like a fence behind the
24 building, --

25 MR. PEREIRAS: Yeah.

1 CHAIRPERSON GRULLON: -- like two doors --
2 two doors.

3 MR. PEREIRAS: Um-hum.

4 CHAIRPERSON GRULLON: It looks like a --
5 like a garage entrance.

6 MR. PEREIRAS: Yeah, it totally --

7 CHAIRPERSON GRULLON: This is -- this is --

8 MR. PEREIRAS: -- looks like it but it's
9 not on our property.

10 The property -- we only have 2.49 feet from
11 our building to the fence. And then there's --
12 the rest is the adjacent property.

13 CHAIRPERSON GRULLON: Okay.

14 As you say you will improve the condition
15 -- the safety condition of the building by making
16 the windows bigger, putting fire -- fire rating
17 walls, and also put -- adding a sprinkle to the
18 basement apartment?

19 MR. PEREIRAS: Yup. And significantly
20 improve and -- and especially the fire alarm
21 system as well.

22 CHAIRPERSON GRULLON: Could you go over
23 that again, just --

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

25 The first thing that we're doing, we're

1 separating that apartment with a two hour fire
2 rating from everywhere else. That means all
3 common area walls and the ceiling is going to
4 have a two hour fire rating.

5 We're going to have a domestic line
6 sprinkler system protecting that entire
7 apartment.

8 We're going to have a fire alarm in that
9 apartment, which is normal that we always do,
10 that's 110-volt. But what we're doing is we're
11 upgrading the fire alarm in the building itself
12 to a low-voltage alarm in the common areas, which
13 is significant. Because now, if there's a fire
14 anywhere, it will be notified throughout the
15 building.

16 So all those things, in conjunction, really
17 create a -- a much safer building than what it is
18 today.

19 CHAIRPERSON GRULLON: Thank you, Mr.
20 Pereiras.

21 I don't have any more questions.

22 Any other -- any member of the Board has
23 any question?

24 Seeing none.

25 Any member of the public want to step

1 forward?

2 Do you have any other witness?

3 MS. PEREIRAS: No, I do not.

4 CHAIRPERSON GRULLON: Any member of the
5 public wants to step forward for this
6 application?

7 Hear none.

8 Close to the public.

9 After hearing the presentation and notice
10 that most of the negative conditions are
11 preexisting and by legalizing this basement unit
12 is going to be the -- is going to give the
13 opportunity to the owner to bring this building
14 up to Code and make it safer for the -- for the
15 neighborhood.

16 I make a motion to grant this application.

17 THE SECRETARY: Motion on the table --

18 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

19 THE SECRETARY: -- to grant this
20 application by Mr. Grullon.

21 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

22 THE SECRETARY: Seconded by Ms. Gutierrez.

23 Roll call on the motion.

24 Mr. Grullon?

25 CHAIRPERSON GRULLON: Yes.

1 THE SECRETARY: Ms. Gutierrez?
2 VICE CHAIRPERSON GUTIERREZ: Yes.
3 THE SECRETARY: Mr. Medina?
4 MR. MEDINA: Yes.
5 THE SECRETARY: Mr. Ortiz?
6 MR. ORTIZ: Yes.
7 THE SECRETARY: Ms. Pena?
8 MS. PENA: Yes.
9 THE SECRETARY: Ms. Perez?
10 MS. PEREZ: Yes.
11 THE SECRETARY: Ms. Watley?
12 MS. WATLEY: Yes. Yes.
13 THE SECRETARY: Seven in favor.
14 Motion carries.
15 MS. PEREIRAS: Thank you all very much.
16 CHAIRPERSON GRULLON: Thank you.
17 Good night.
18 THE SECRETARY: Thank you, Ms. Pereiras.
19 MS. PEREIRAS: Have a good night.
20 I'll see you next month.
21 Thank you.
22 VICE CHAIRPERSON GUTIERREZ: Good night.
23 MR. PEREIRAS: Bye, everybody. See you
24 next month.
25

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

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1 **3329 Hudson Ave., LLC -**

2 **3329 Hudson Avenue:**

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

6 Mr. Alonso, please?

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

9 MR. PANEQUE: Let the record reflect that I
10 have been provided, by Mr. Alonso, with the
11 following documents:

12 I have an affidavit, signed by Mr. Alonso,
13 indicating that notice of tonight's hearing with
14 respect to the property at 3329 Hudson Avenue,
15 was provided to all property owners within the
16 200 foot radius. And said notice was also
17 published in the local newspaper, The Jersey
18 Journal.

19 I've also been provided with a affidavit
20 from The Jersey Journal, with a publication date
21 of February 27th, indicating that the application
22 for 3329 Hudson Avenue will be heard tonight at
23 the Union City High School. And it -- it states
24 the variances that are being sought.

25 I've also been provided with a copy of the

1 notice that went out to all property owners,
2 giving notice of tonight's hearing at the High
3 School, with respect to the property in question.

4 I've also been provided with a copy of the
5 tax list from the Union City Tax Assessor's
6 Office with respect to the property, 200 foot
7 radius of 3329 Hudson Avenue. Said tax list is
8 dated Feb-- January 27, 2021.

9 I've also been provided with the certified
10 mail receipts with a stamped postmark date of
11 February 27th, 2021.

12 Based on the documentation that have been
13 provided, this Board has jurisdiction to proceed
14 and hear this matter.

15 MR. ALONSO: Thank you, Mr. Paneque.

16 Good evening, Mr. Chairman, members of the
17 Board.

18 For the record, Alvaro Alonso on behalf of
19 the applicant.

20 This is really more of a -- by way of an
21 amendment to a prior approval.

22 My client had been before this Board in
23 2018. At that time the property consisted of
24 four residential units and a commercial space,
25 which is a bar on the ground floor.

1 The application was approved to convert the
2 bar area into two apartments for a total of six
3 units. That was in 2018.

4 Given everything that's going on, it took
5 some time to get going with the -- with the
6 construction. My client then decided to convert
7 or consolidate the two apartments on the ground
8 floor into one apartment so that her daughter
9 could -- could live in it, thereby going from six
10 units down to five units.

11 She went to file for permits at the
12 Building Department. Building Department
13 indicated that since it's not exactly what was
14 approved by the Board, we needed to come back to
15 the Board for your approvals to consolidate the
16 two apartments, which have not been constructed
17 yet, into one apartment.

18 So with that bit of an overview, I'm going
19 to have Mr. Arencibia sworn in and qualified.

20 MS. DILLON: Please raise your right hand.

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

23 MR. ARENCIBIA: I do.

24 MS. DILLON: Please state your name for the
25 record.

1 MR. ARENCIBIA: Albert Arencibia.

2 MS. DILLON: Thank you.

3 CHAIRPERSON GRULLON: He's been in front of
4 the Board on many occasions.

5 We accept his qualifications.

6 Thank you.

7 MR. ARENCIBIA: Thank you.

8 And I'm still active, thank God.

9 MR. ALONSO: Thank you, Mr. Chairman.

10 Mr. Arencibia, based on the overview that I
11 gave the Board, I'm just going to ask you to
12 testify as to how we're proposing to create the
13 one unit on the ground floor.

14 MR. ARENCIBIA: Yes. Good evening, every--
15 members of the Board.

16 Yeah, like -- like Mr. Alonso explained,
17 this pretty -- fairly straight forward
18 application.

19 Before, of course, we had two apartments on
20 the area. We have a handicap lift in the front
21 and then, basically, an access to the handicap at
22 the rear of the building, with a common -- common
23 corridor connecting the front entrance and the
24 rear entrance.

25 Basically, as a result of this application,

1 | that entire configuration of the layout of the
2 | ground floor unit's going to change. So, in
3 | essence, what we're going to have is we're going
4 | to have an entrance to the -- the unit from the
5 | existing driveway and also from the front of the
6 | street.

7 | So you'll have an access from the front of
8 | the street, which is basically couple of steps
9 | into the unit, because it's elevated on the
10 | floor.

11 | However, we do have the possibility of
12 | creating a handicap entrance and, basically, what
13 | we're going to do, since this unit is on the
14 | ground floor, by Code we need to provide a
15 | handicap accessible apartment on the ground
16 | floor. So that's what we're doing.

17 | So, the access -- handicap access to -- to
18 | the unit will be through the existing driveway,
19 | which will open up into the living room/dining
20 | room area, with an open kitchen. Toward the rear
21 | section of the building you're going to have a
22 | two bedroom/two baths. And in the front of the
23 | -- the unit you're going to have also three --
24 | another bedroom.

25 | So, you're going to -- three bedrooms and

1 two bath unit. Your kitchen, again, will be hand
2 -- ADA compliant. All of the entrances to all
3 the units will be ADA compliant.

4 There will be a separation, of course, --
5 rated separation between this unit and the -- of
6 the units of the other floors upstairs.

7 And, again, it's basically work within the
8 existing premises of the building. So there's
9 really no construction beyond the premises of the
10 existing footprint of the building.

11 MR. ALONSO: The four remain-- the four
12 existing apartments upstairs are not going to be
13 touched either.

14 MR. ARENCIBIA: That's correct. They
15 remain exactly as they are.

16 MR. ALONSO: Okay.

17 And -- and with respect to the bulk
18 requirements, as you indicated, whatever is
19 existing is what's there.

20 We're not creating any new variances and
21 we're not expanding upon any violation of the
22 Zoning ordinance?

23 MR. ARENCIBIA: That is correct.

24 MR. ALONSO: Okay.

25 MR. ARENCIBIA: It does not have --

1 reducing it by having one less apartment. So
2 it's a less intensive use.

3 MR. ALONSO: It's a pretty straightforward
4 application.

5 If the Board has any questions, we could
6 entertain them at this time.

7 CHAIRPERSON GRULLON: Thank you.

8 Mr. Arencibia, the only construction will
9 be on the ground floor?

10 MR. ARENCIBIA: Correct.

11 CHAIRPERSON GRULLON: And the changes that
12 you're making from the previous approved
13 application is bringing it down from two
14 apartments to one apartment?

15 MR. ARENCIBIA: That's correct.

16 CHAIRPERSON GRULLON: Okay.

17 And how many parking spaces you providing
18 for this?

19 MR. ARENCIBIA: Well, based -- the parking
20 spaces haven't changed since before. So the
21 existing parking spaces that we have, we have on
22 the -- on sheet A-1 of 1 of 2, it shows the site
23 plan on the bottom left hand corner. And those
24 are the existing parking spaces that were
25 previously approved and those are going to remain

1 intact.

2 CHAIRPERSON GRULLON: Right.

3 And did the parking requirement change or
4 no?

5 MR. ARENCIBIA: Well, it's going to be one
6 better because we had two units before. So,
7 since it's one -- one larger unit, the parking is
8 not going to change as far as a more additional
9 requirement.

10 CHAIRPERSON GRULLON: Okay, I see.

11 Do you have any other witness?

12 MR. ALONSO: No.

13 CHAIRPERSON GRULLON: No.

14 Okay.

15 I don't have any more question.

16 Any member of the Board has any question
17 with regard to this application?

18 Closed to the Board members.

19 Any member of the public want to step
20 forward for this application?

21 Seeing none.

22 Closed to the public.

23 Okay.

24 Taking in consideration that the request is
25 to reduce density of -- by bringing down the

1 application from six apartment to five apartments
2 and it would also improve the parking
3 requirement, providing eight parking spaces for
4 five apartments, I believe that this application
5 will make better for the neighborhood.

6 And I make a motion to grant the
7 application.

8 THE SECRETARY: Motion on the table to
9 grant this application by Mr. Grullon.

10 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

11 THE SECRETARY: Seconded by Ms. Gutierrez.

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

14 Mr. Grullon?

15 CHAIRPERSON GRULLON: Yes.

16 THE SECRETARY: Ms. Gutierrez?

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Mr. Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Ms. Pena?

23 MS. PENA: Yes.

24 THE SECRETARY: Ms. Perez?

25 MS. PEREZ: Yes.

1 THE SECRETARY: Ms. Watley?

2 MS. WATLEY: Yes.

3 THE SECRETARY: Seven in favor.

4 The motion carries.

5 MR. ALONSO: Thank you very much.

6 Have a good evening.

7 MR. ARENCIBIA: Thank you very much,
8 everybody.

9 Good to see you all again.

10 THE SECRETARY: Thank you.

11 Good evening.

12 CHAIRPERSON GRULLON: Thank you.

13 MR. ARENCIBIA: Missed you guys.

14 CHAIRPERSON GRULLON: Yeah.

15 THE SECRETARY: You -- you looks different.
16 What you did?

17 MR. ARENCIBIA: I'm sorry?

18 THE SECRETARY: You looks different.

19 CHAIRPERSON GRULLON: I think the mask.
20 It's got to be --

21 MR. ARENCIBIA: Still me.

22 CHAIRPERSON GRULLON: Oh there you go.

23 MR. ALONSO: Put it back on.

24 Have a good night.

25 VICE CHAIRPERSON GUTIERREZ: Goodnight.

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

* * *

1 **RESOLUTIONS:**

2

3 (1) Equity Trust Co Fbo Baruch Gadot & Denisse
4 (sic) Gadot. 123 20th Street. Block 175 Lot 40.
5 Applicant proposes a new two family dwelling.

6 **Approved** **Revised plans received on March 1, 2021**

7 (2) 527 39th Street LLC. 527 39th Street. Block
8 224 Lot 45. Applicant is requesting a one year
9 extension. The Resolution was memorialized on
10 May 9, 2019. **Approved**

11 (3) 815 13th Street LLC. 1218 Kennedy
12 Boulevard. Block 57 Lot 24. Applicant proposes
13 to convert partial restaurant area into a
14 daycare. Apartments remain. **Approved**

15

16 THE SECRETARY: Now we are going to
17 Resolutions.

18 First Resolution on tonight's agenda,
19 Equity Trust Co Fbo Baruch Gadot and Denise
20 Gadot, 123 20th Street. Revised plans were
21 received on March 1st, 2021.

22 MR. PANEQUE: Yes.

23 If I may, Mr. Vallejo?

24 I've been provided with the cover letter
25 from the law firm of Bianca Pereiras, which is --

1 has a date of March 1st, 2021, and has a stamp
2 date from the City Clerk received, City of Union
3 City, March 1st, 2021.

4 The plans were to be submitted within ten
5 days of the hearing, which this complies with
6 that. These are the revised plans pursuant to
7 the stipulations that were agreed to on the
8 record.

9 And, Mr. Spatz, you had an opportunity to
10 review these?

11 MR. SPATZ: Yes. I've reviewed the plans
12 and they do, in fact, follow what was approved by
13 the Board. They made the changes that the Board
14 and the public requested.

15 MR. PANEQUE: Okay.

16 Thank you, Mr. Spatz.

17 Based on the fact that the applicant has
18 complied by providing the revised plans, the
19 Resolution that was prepared indicates that
20 revised plans were to be submitted and,
21 therefore, the Resolution may be voted on
22 tonight.

23 THE SECRETARY: Thank you, Mr. Paneque.

24 We are going now to Resolution number 2.

25 527 39th Street, LLC, 527 39th Street.

1 Resolution number 3.

2 815 13th Street, LLC, 1218 Kennedy
3 Boulevard.

4 Can I have a motion to adopt these
5 Resolutions?

6 CHAIRPERSON GRULLON: Motion.

7 THE SECRETARY: Motion by Mr. Grullon.

8 VICE CHAIRPERSON GUTIERREZ: Second.

9 THE SECRETARY: Second by Ms. Gutierrez.

10 Roll call on the motion to adopt these
11 Resolutions.

12 Mr. Grullon?

13 CHAIRPERSON GRULLON: Yes.

14 THE SECRETARY: Ms. Gutierrez?

15 VICE CHAIRPERSON GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Ms. Perez?

19 MS. PEREZ: Yes.

20 THE SECRETARY: Four in favor.

21 Motion carries.

22

23 * * *

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1 **ADJOURNMENT :**

2

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 MR. ORTIZ: Motion.

7 THE SECRETARY: Motion by Mr. Ortiz.
8 Seconded by?

9 VICE CHAIRPERSON GUTIERREZ: Second.

10 THE SECRETARY: Ms. Gutierrez.
11 All in favor?

12

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

14

15 THE SECRETARY: The ayes have it.

16 Thank you.

17 Let the record --

18 Motion pass.

19 Let the record indicate that the meeting
20 has ended.

21 Thank you.

22 And goodnight, everyone.

23 MR. SPATZ: Carlos, goodnight.

24 (Whereupon, the proceedings were concluded
25 at 6:57 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY ZONING BOARD OF
9 ADJUSTMENT heard on Thursday, March 11, 2021 and
10 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon