

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, May 13, 2021
Commencing at 6:09 p.m.

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

GEORGE GARCIA
JOHN MEDINA
MIGUEL ORTIZ, (Arrived at 6:21 p.m.)
ROSIO PENA, Alternate No. 1
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
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

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

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

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

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant 111 35th Street, LLC

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

ADOLFO L. LOPEZ, ESQ.
Attorney for Applicant Aris B. Ventura Martinez

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391 Mountain Road, LLC
391 Mountain Road

WITNESS

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Caroline Jolly

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La Q Realty, LLC
707 22nd Street

WITNESSPAGE

Jose Izquierdo

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Aris B. Ventura Martinez
104 40th Street

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Aris B. Ventura Martinez

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1 MS. DILLON: On the record.

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

4 Please take notice that on Thursday, May
5 13, 2021, at six p.m., a Regular Meeting is
6 scheduled for the Union City Board of Adjustment,
7 to be held in the Union City High School, located
8 at 2500 John F. Kennedy Boulevard, Union City,
9 New Jersey.

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

12

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

15

16 THE SECRETARY: Thank you.

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

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

1

2 **ROLL CALL:**

3

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

6 Mr. Grullon?

7 CHAIRPERSON GRULLON: Here.

8 THE SECRETARY: Mr. Marotta's absent.

9 Ms. Gutierrez?

10 VICE CHAIRPERSON GUTIERREZ: Here.

11 THE SECRETARY: Mr. Ortiz is absent at --
12 at this time.

13 Mr. -- Mr. Garcia?

14 MR. GARCIA: Here.

15 THE SECRETARY: Mr. Medina?

16 MR. MEDINA: Here.

17 THE SECRETARY: Miss Pena?

18 MS. PENA: Present.

19 THE SECRETARY: Mr. Pressey's absent.

20 Miss Perez?

21 MS. PEREZ: Here.

22 THE SECRETARY: Mr. Cetinich?

23 MR. CETINICH: Here.

24 THE SECRETARY? Miss Watley?

25 MS. WATLEY: Here.

1 THE SECRETARY: Let the record indicate
2 there are eight members present.

3 We have a full quorum for tonight's
4 meeting.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting Held on April 8, 2021

4

5 THE SECRETARY: All right.

6 Approval of previous meeting minutes of
7 April 8, 2021.

8 CHAIRPERSON GRULLON: Motion.

9 THE SECRETARY: Can I have a motion?

10 Motion by Mr. Grullon.

11 VICE CHAIRPERSON GUTIERREZ: Second.

12 THE SECRETARY: Seconded by Miss
13 Gutierrez.

14 Roll call on the motion.

15 Mr. Grullon?

16 CHAIRPERSON GRULLON: Yes.

17 THE SECRETARY: Miss Gutierrez?

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Miss Pena?

22 No, I'm sorry, you was absent.

23 Right?

24 MS. PENA: Yeah.

25 THE SECRETARY: Miss Perez?

1 MS. PEREZ: Yes.

2 THE SECRETARY: Mr. Cetinich?

3 MR. CETINICH: Yes.

4 THE SECRETARY: Six in favor.

5 Motion carries.

6 I'm sorry, five in favor.

7 Motion carries.

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1 111 35th Street, LLC -

2 111 35th Street:

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4 THE SECRETARY: All right.

5 First hearing on tonight's agenda, 111 35th
6 Street.

7 Mr. Alonso?

8 I don't see Mr. Alonso here.

9 Can -- can we move to number 2?

10 MR. PANEQUE: Let's move to number 2,
11 since --

12 THE SECRETARY: All right.

13 MR. PANEQUE: -- Mr. Alonso --

14 THE SECRETARY: Thank you, sir.

15 MR. PANEQUE: -- is not here yet.

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1 **391 Mountain Road LLC -**

2 **391 Mountain Road:**

3

4 THE SECRETARY: All right.

5 We're going to number 2.

6 391 Mountain Road.

7 Miss Pereiras, please?

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

10 MS. PEREIRAS: Good evening, counsel, Mr.
11 Chairman, members of the Board.

12 May it please the Board, Bianca Pereiras,
13 on behalf of the applicant, 391 Mountain Road,
14 LLC.

15 While technically this is a continuation of
16 this matter, we did submit revised drawings. And
17 I don't believe we've given any testimony on the
18 revised drawings.

19 Just for a refresher, this property is
20 located at 391 Mountain Road. It is an existing
21 one family home.

22 We are located in an R low density
23 residential zone, where one, two, and three
24 family homes are permitted.

25 The application before the Board this

1 evening is to create an addition to this
2 structure to add a new residential unit.

3 So, if approved this evening, we would have
4 two units on site.

5 We have one expert to testify before the
6 Board this evening and that is our architect, Mr.
7 Manuel Pereiras.

8 MS. DILLON: Please raise your right hand.

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

11 MR. PEREIRAS: I do.

12 Manny --

13 MS. DILLON: Please --

14 MR. PEREIRAS: -- Pereiras, P-E-R-E-I-R-A-
15 S, with Pereiras Architects Ubiquitous, 1116
16 Summit Avenue, Union City.

17 MS. DILLON: Thank you.

18 MS. PEREIRAS: And just for purposes of the
19 record, Mr. Pereiras has testified before this
20 Board --

21 CHAIRPERSON GRULLON: Yes, we accept your

22 --

23 MS. PEREIRAS: -- in the past.

24 CHAIRPERSON GRULLON: -- qualifications, --

25 MS. PEREIRAS: Thank you.

1 CHAIRPERSON GRULLON: -- Mr. Pereiras.

2 MS. PEREIRAS: Mr. Pereiras, are you
3 familiar with 391 Mountain Road?

4 MR. PEREIRAS: I am.

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

7 MR. PEREIRAS: I have.

8 MS. PEREIRAS: And would you kindly
9 describe the project for the Board?

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

11 Hello, everyone. Nice to be here, again.
12 Hello, new faces.

13 We have -- as counsel said, we -- we've
14 been -- we revised this drawing multiple times to
15 tweak it to get it to the right building that
16 will suit this neighborhood.

17 This is one of our -- Union City's most
18 beautiful neighborhoods. Really nice and we want
19 this house to fit in and work beautifully.

20 We do want to make this --

21 I'm going to walk over here.

22 We recognize that this is an undersized
23 lot.

24 The lot width of this lot is 17.66.

25 Whereas, a typical lot in Union City is 25 feet

1 wide. That's our first existing nonconformity
2 for variance.

3 And the lot depth is 90. --

4 Let me bring this closer.

5 Does that help?

6 MS. DILLON: Yeah, go -- go ahead. I'm
7 going to also move this.

8 MR. PEREIRAS: Okay.

9 MS. DILLON: We lost our podium, so.

10 Go ahead, Manny.

11 MR. PEREIRAS: Okay, great.

12 Our lot depth is 90.48, which is shy of a
13 hundred feet, which brings our total square
14 footage to 1,739 square feet.

15 So, we have a -- an existing nonconforming
16 for lot width, lot depth, and -- and lot area
17 that we're requesting variances for here.

18 That said, we understand that this is an
19 undersized lot and what we're proposing, instead
20 of a three family, we're proposing a two family
21 house.

22 One of the first things that we'd like to
23 do is create some parking for this additional
24 unit that we're proposing. And what we're doing,
25 proposing a parking space at the front that is a

1 nine foot wide parking space, by a total of 16
2 feet in depth.

3 And we're taking this opportunity of
4 revamping that front yard, in order to create
5 some landscaping along the side of it.

6 So we have a landscaping berm that works
7 the entire length of that side and it's two feet
8 wide.

9 And we're introducing a new curb cut that
10 is 12 feet in width at the front of the property.

11 What we're looking to do is not tear down
12 that existing house; we want to keep the
13 character of the neighborhood and keep that house
14 and work with it. And what we're looking to do
15 is do an addition to the rear and addition above
16 to the third floor.

17 However, we want to have -- be conscious to
18 the neighbors. So that third floor addition
19 isn't going to the rear yard. We're stopping
20 that at the length, over here -- at this point
21 where I'm calling out here. So that the addition
22 that's two stories is -- the third story addition
23 stops well before the previous houses end.

24 I'm turning now to page Z02, where I could
25 describe that a little bit better.

1 So, our house is currently very close to
2 the property line along the south side and on the
3 east side.

4 Our proposed addition -- what we propose to
5 do is to match the existing edge of the house
6 until we get to the neighboring house. Once we
7 get past the neighboring house, we're going to
8 set that in an additional two feet. So that our
9 new addition conforms to the two foot side yard
10 setback along that portion.

11 And on the opposite side, we are conforming
12 to a three foot one side yard setback, all at our
13 windows, so that we could provide that.

14 So, we have preexisting side yard setbacks
15 but our addition conforms to that aspect of it.

16 Our addition stops at ten feet from the
17 rear yard property line.

18 We understand that the -- the ordinance
19 permits us to go up to five feet from the rear
20 yard but we thought it was important for the
21 neighborhood, especially after the concerns of
22 the neighbors, that we give them additional rear
23 yard space and pull that back at a total of ten
24 feet, so that we have more of a rear yard there.

25 The drawings do show concrete as pavers

1 along the back but we're very willing to change
2 that into grass in order to create more pervious
3 area and neighborhood -- for the neighborhood.

4 And, again, that portion, from this point
5 to this point, is only two stories. So we have
6 the half-story that goes down as the basement,
7 and then we have one story going back -- the
8 second story going back; and then the third story
9 ends at this point.

10 And I'll walk you through each of the
11 apartments.

12 You take the stairs up to the first floor
13 apartment and you have a duplex between that
14 floor and the floor below.

15 You enter into a dining room/kitchen area
16 and you have two bedrooms along the rear.

17 And then on the lower level, which is
18 currently a basement and will continue being a
19 basement, that gets dug out to the back and you
20 have the large living room/family room and the
21 master suite in the back of that unit.

22 The second unit, if you go up the stairs to
23 the second floor has dining room, kitchen, living
24 room area, with two bedrooms on that floor. And
25 then the master bedroom goes to the floor above

1 | that.

2 | That way the two apartments that we have in
3 | this two family house, is -- are both three
4 | bedroom apartments and are comfortable size that
5 | could fit nice families inside there comfortably.

6 | And that's the reason we have the addition.

7 | We have a roof terrace -- the ability to
8 | have a roof terrace. And we have the stairs
9 | going all the way up to the roof. So that
10 | someone could use that and -- and take advantage
11 | of the views that we have there on Mountain Road.
12 | Beautiful views.

13 | Moving towards the façade.

14 | Here we could really start understanding
15 | the volume of the building and how it changes in
16 | order to create more light for the neighborhood.

17 | Step up. This is the first floor
18 | apartment. Duplex with the lower level.

19 | This is the second floor apartment. That's
20 | duplexed to the master bedroom on this floor.

21 | Everything beyond this point back is only
22 | two and a half stories in height, meaning the two
23 | story portion, plus the -- the basement portion.

24 | And the ten foot rear yard setback.

25 | We're giving the façade a -- a major

1 facelift. We're -- new materials, new siding
2 along the whole thing. New brick along the --
3 cleaning up the brick on the lower level.

4 And that concludes my testimony.

5 I'm open for questions.

6 CHAIRPERSON GRULLON: Miss Pereiras, do you
7 have another witness?

8 MS. PEREIRAS: We do not.

9 CHAIRPERSON GRULLON: You do not.

10 Mr. Pereiras, you know, going -- going back
11 to the -- to the setback, --

12 MR. PEREIRAS: Um-hum.

13 CHAIRPERSON GRULLON: -- the footprint of
14 the actual building that's not changing; no?

15 MR. PEREIRAS: The what?

16 CHAIRPERSON GRULLON: The footprint of the
17 -- of the building itself. You know, what you
18 have there now.

19 Is that changing on setbacks?

20 MR. PEREIRAS: So, no, we're not making the
21 setbacks worse. But the footprint is changing;
22 we're going further to the rear, --

23 CHAIRPERSON GRULLON: No.

24 MR. PEREIRAS: -- which is permitted.

25 CHAIRPERSON GRULLON: I mean -- no, not to

1 the rear, the -- the side yards.

2 MR. PEREIRAS: On the sides, --

3 CHAIRPERSON GRULLON: Side yards.

4 MR. PEREIRAS: -- we're not making it any
5 worse than what it is.

6 CHAIRPERSON GRULLON: Okay.

7 MR. PEREIRAS: We're actually stepping it
8 in on the addition portion along the back.

9 So it's -- we're maintaining the line along
10 here, then stepping back two feet.

11 CHAIRPERSON GRULLON: Yes.

12 MR. PEREIRAS: And over here we're
13 maintaining the same line, except stepping in at
14 three foot one in order to have our windows.

15 CHAIRPERSON GRULLON: Are -- are you
16 proposing to do any demolition?

17 MR. PEREIRAS: Demolition of the existing
18 structure?

19 CHAIRPERSON GRULLON: Yes.

20 MR. PEREIRAS: There's -- there's going to
21 be a lot of light demolition.

22 So the interior walls are all coming out.

23 CHAIRPERSON GRULLON: Just on the interior.

24 MR. PEREIRAS: On -- on the interior. And
25 the rear wall is coming out.

1 CHAIRPERSON GRULLON: Okay. Good.

2

3 (Whereupon, Miguel Ortiz arrived at 6:21
4 p.m.)

5

6 MR. ORTIZ: Good evening, everyone.

7 THE SECRETARY: Hi, how are you.

8 One second please.

9 Let the record reflect that Mr. Ortiz has
10 joined the meeting.

11 Thank you.

12 CHAIRPERSON GRULLON: Another question.

13 The -- you say there is a stair going to
14 the roof terrace.

15 MR. PEREIRAS: Yes, there is.

16 CHAIRPERSON GRULLON: You're proposing
17 that.

18 Is that an internal stair?

19 MR. PEREIRAS: It's an internal stair.

20 CHAIRPERSON GRULLON: Internal stair.
21 Okay.

22 Okay. I -- I know you made some adjustment
23 on the -- on the other application and it was in
24 order to -- to make -- to -- to make it more in
25 compliance with the neighborhood, you know,

1 especially by providing landscape and also to
2 make sure that the rear yard extension doesn't go
3 over two -- two stories.

4 Is that correct?

5 MR. PEREIRAS: That is correct.

6 Originally our application had a three
7 story addition, going all the way to five feet
8 from the rear yard, which was what's permitted by
9 the ordinance.

10 So we increased that rear yard to ten feet
11 and we dropped an entire story in the rear yard,
12 so that it's only two and a half stories; no
13 taller than any of the neighbors.

14 CHAIRPERSON GRULLON: Okay.

15 And, again, I know you mentioned that
16 already but could you repeat what you're
17 proposing to do with the façade?

18 MR. PEREIRAS: Sure. I'd be happy to.
19 I'll walk you through it.

20 It's basically renovation and cleaning it
21 up to make it up to standards.

22 So what we have is replacing all the vinyl
23 siding that's there. We're replacing the
24 windows; taking them out, putting nicer new
25 windows along there. We're creating three

1 windows in each of the two floors above that with
2 new vinyl siding there.

3 And then we're replacing the top of the
4 building; we're providing a new cornice there.
5 So it will be attractive; kind of a historic look
6 of the cornice.

7 CHAIRPERSON GRULLON: On the basement area,
8 is that required to have sprinkles?

9 MR. PEREIRAS: So, no, it's not required.

10 CHAIRPERSON GRULLON: Okay.

11 Mr. Spatz?

12 Mr. Spatz is not here today.

13 MR. PANEQUE: Mr. Spatz is out.

14 CHAIRPERSON GRULLON: Is out.

15 MR. PANEQUE: He was ill --

16 CHAIRPERSON GRULLON: I -- I --

17 MR. PANEQUE: -- this afternoon.

18 CHAIRPERSON GRULLON: -- know this -- this
19 is only a -- a two story application.

20 MR. PANEQUE: It's a two family.

21 CHAIRPERSON GRULLON: Two family house.

22 MR. PANEQUE: Yeah.

23 THE SECRETARY: There's a revised
24 memorandum from Mr. Spatz on --

25 CHAIRPERSON GRULLON: Oh, let me just --

1 Just give me one second.

2 MS. PEREIRAS: Sure.

3 MR. PEREIRAS: Sure.

4 CHAIRPERSON GRULLON: Any other member of
5 the Board have any questions?

6 Yeah, at this time I just want to open it
7 to the public.

8 Let me hear from the public. I'm just
9 going to review Mr. Spatz memorandum and I come
10 back.

11 Miss, --

12 MS. DILLON: Just right here.

13 CHAIRPERSON GRULLON: -- can you come to
14 the front and state your name and address for the
15 record?

16 MS. DILLON: Please raise your right hand.

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

19 MS. JOLLY: Yes.

20 MS. DILLON: I need you to give your name,
21 spell it for the record, and your address.

22 MS. JOLLY: Caroline Jolly.

23 C-A-R-O-L-I-N-E. J-O-L-L-Y, 389 Mountain
24 Road.

25 MS. DILLON: Thank you.

1 MS. JOLLY: Thank you.

2 May I see the drawings you made?

3 MR. PEREIRAS: Absolutely.

4 MS. JOLLY: So I couldn't -- I tried but
5 couldn't see it from back there.

6 MR. PEREIRAS: Okay.

7 MS. JOLLY: Okay.

8 Thank you.

9 Do you have a -- a rendering of what the
10 actual façade --

11 MS. DILLON: I need you to address your
12 comments to the mic.

13 MS. JOLLY: Okay.

14 MS. DILLON: Thank you.

15 MS. JOLLY: Do you have a rendering of what
16 the façade will actually look like please?

17 MR. PEREIRAS: This is a drawing of what
18 the façade is going to look like.

19 MS. JOLLY: Okay. So the lower half will
20 be --

21 Okay.

22 And then --

23 MR. PEREIRAS: Very similar to what was
24 there, except --

25 MS. JOLLY: Right.

1 MR. PEREIRAS: -- newer materials.

2 MS. JOLLY: Right.

3 MR. PEREIRAS: And then the top addition is
4 going to be vinyl to match the existing.

5 MS. JOLLY: Um-hum.

6 MR. PEREIRAS: And then a cornice -- a
7 beautiful cornice --

8 MS. JOLLY: Okay.

9 MR. PEREIRAS: -- along the top.

10 MS. JOLLY: And the -- the basement
11 remains. So the basement, that would be floor
12 one, with the dig out; and then floor two; floor
13 three?

14 MR. PEREIRAS: We're -- we're calling the
15 -- the steps up as the first floor. That is --

16 MS. JOLLY: Uh-huh.

17 MR. PEREIRAS: So, there -- it's a duplex,
18 first floor, --

19 MS. JOLLY: Right.

20 MR. PEREIRAS: -- with the basement.

21 MS. JOLLY: Right.

22 MR. PEREIRAS: And then the second floor
23 with the third.

24 MS. JOLLY: Okay.

25 So the second -- second floor, basically,

1 is the height of mine next door, when all is said
2 and done.

3 MR. PEREIRAS: Correct.

4 MS. JOLLY: Okay.

5 MR. PEREIRAS: Correct.

6 MS. JOLLY: And then you're -- you're
7 putting a -- what you're calling the third floor
8 up and partial way back.

9 Correct?

10 MR. PEREIRAS: Partially. Yeah.

11 MS. JOLLY: Okay.

12 MR. PEREIRAS: So it goes -- your house
13 ends about here.

14 MS. JOLLY: Um-hum.

15 MR. PEREIRAS: It --

16 MS. JOLLY: I'm aware.

17 MR. PEREIRAS: This ends here. So then it
18 steps down.

19 MS. JOLLY: Okay.

20 All right.

21 I see -- I see what you're doing.

22 And, just for the record, I have spoken to
23 Lenny (phonetic), so nothing here is a surprise.
24 I don't know if he's here today or not. And, you
25 know, he -- he's trying very hard to work with

1 us; we appreciate that very much.

2 We appreciate that you're trying to make it
3 look consistent with the neighborhood. I know
4 that the Board is -- is probably tired of hearing
5 all the neighbors come up and say, you know, this
6 is ruining our this, it's ruining our that; it's
7 taking our this, it's taking our that. There is
8 an aspect of that, obviously.

9 Obviously, we'd also like to make sure that
10 our neighborhood still, I mean, continues to look
11 good. You know, we don't want the houses falling
12 down around us either. So that is a
13 consideration.

14 So, we do appreciate all of your
15 considerations here.

16 I just want to say for the record that, you
17 know, just as a thought, okay, just for you guys,
18 as a thought.

19 And I -- and I said this to Lenny.

20 You know right now what's going on
21 everywhere, there is so many condos, there is so
22 many multiples, and so much of it being built all
23 the way back. And I know you have your right to
24 do that.

25 But I would say just consider from a

1 financial standpoint what people are looking for
2 right now are single family homes; particularly
3 post-pandemic. They're saying oh, my gosh, I
4 want a little bit of being close to the City
5 where I can get in or do my partial work there
6 and a little bit of country where when I'm locked
7 up for five months my kids can run outside.

8 I may live to regret that; I don't
9 necessarily want screaming kids next door to me.
10 I get it. But, you know, --

11 So, I would say, you know, please consider
12 that. Because Hoboken right now is building the
13 entire back. You know, they're -- the hill is
14 being developed; all of that.

15 So, the -- the lack of single family homes
16 has only increased their value dramatically.

17 If you go around to, what is it,
18 Manhattanview or --

19 MR. PEREIRAS: Um-hum.

20 MS. JOLLY: -- just right around the
21 corner. You know where the photography studio
22 is?

23 MR. PEREIRAS: Um-hum.

24 MS. JOLLY: Little tiny house. Smaller
25 footprint. Won't have a car garage. December

1 10th of last year sold for six hundred and ten
2 dollars (sic) -- ten thousand.

3 MR. PEREIRAS: I designed it.

4 MS. JOLLY: And it's beautiful.

5 MR. PEREIRAS: Um-hum.

6 MS. JOLLY: And so something like that
7 would be so welcome.

8 So, you know, I'm just saying please
9 consider this. I know everyone wants to take
10 their money out and they want to get this and
11 that, but at the end of the day, someone's going
12 to get left without a chair. Because there's a
13 heck of a lot of building -- you go down River
14 Road, you look at Jersey City. And at a certain
15 point, as lovely as a condo you make it, it does
16 not have the amenities that these other places
17 can offer.

18 So, you know, I -- I know that the Board
19 has either been reluctant or unable to -- to stop
20 this kind of a development, so again, we
21 appreciate that you came to us directly --

22 MR. PEREIRAS: Um-hum.

23 MS. JOLLY: -- and are doing everything you
24 can.

25 MR. PEREIRAS: I just want to be clear;

1 | these are not condos. We're not presenting
2 | condos --

3 | MS. JOLLY: Is he really -- is he going to
4 | do it for him?

5 | MR. PEREIRAS: It --

6 | Probably.

7 | But it's -- it's a two family house. It's
8 | very different than a condo building.

9 | MS. JOLLY: Okay.

10 | MR. PEREIRAS: And -- and we're trying to
11 | respect -- we're increasing the rear yard and
12 | we're dropping the --

13 | MS. JOLLY: Yup.

14 | MR. PEREIRAS: -- the ceiling height.

15 | MS. JOLLY: I understand all that.

16 | MR. PEREIRAS: And you don't see us before
17 | this Board because most single family houses that
18 | we develop don't have to come before this Board
19 | because we're working --

20 | But we're doing tons of them all over the
21 | place. And we are creating --

22 | MS. JOLLY: I -- I --

23 | MR. PEREIRAS: -- beautiful spaces --

24 | MS. JOLLY: Yeah.

25 | I mean this -- this --

1 MR. PEREIRAS: -- re-salvaging them.

2 MS. JOLLY: -- this particular lot is so
3 conducive to a single family. And, you know,
4 it's a shame to see it built out in that way.

5 Having said that, just another thought.

6 The -- the roof, --

7 MR. PEREIRAS: Um-hum.

8 MS. JOLLY: -- I don't know how much time
9 you spent on Mountain Road, but if you put any
10 furniture up there you better bolt it down.

11 MR. PEREIRAS: Flies away. I know it very
12 well.

13 MS. JOLLY: Because I really don't want to
14 get conked on the head with it or it could end
15 up, you know, --

16 MR. PEREIRAS: Um-hum.

17 MS. JOLLY: -- down Gregory Avenue.

18 So, I mean it -- it all looks good on
19 paper. You know, we don't want to be unpleasant
20 neighbors; we want to be helpful neighbors.

21 I've talked to Lenny directly, as you know.
22 He knows -- he knows what I think of things. I
23 appreciate that he's working with us but, you
24 know, we'd really rather see something smaller at
25 the end game.

1 MR. PEREIRAS: I understand.

2 MS. JOLLY: You know?

3 MR. PEREIRAS: Thank you for your comments.

4 MS. JOLLY: Yup.

5 Okay.

6 CHAIRPERSON GRULLON: Thank you.

7 Any other -- any other member of the
8 public?

9 No?

10 Hearing none.

11 Close to the public.

12 Mr. Pereira, after reviewing Mr. Spatz
13 memorandum, it's not required to have sprinkles.

14 MR. PEREIRAS: No.

15 CHAIRPERSON GRULLON: But --

16 MR. PEREIRAS: Since this is a two family
17 house, it's not required.

18 CHAIRPERSON GRULLON: Yes. Yes.

19 And I'm sure the Building Department will
20 go through all the safety conditions with this
21 application in a move forward.

22 Noting and considering that this is only a
23 two family proposed plan and it's going to
24 enhance the -- the building itself and also give
25 -- bring some, you know, trees to the areas and

1 continue providing good families in the area, I
2 will make a motion to grant this application.

3 MS. JOLLY: Can I ask one question
4 before --

5 CHAIRPERSON GRULLON: Sure.

6 MS. JOLLY: Just one question, may I ask?

7 MS. DILLON: You have to come to the
8 microphone, --

9 MS. JOLLY: Sorry.

10 MS. DILLON: -- if the Chairman allows it.

11 CHAIRPERSON GRULLON: Yeah.

12 MS. JOLLY: Sorry.

13 I just had one --

14 CHAIRPERSON GRULLON: Yeah, go ahead.

15 MS. JOLLY: -- quick question.

16 Thank you.

17 The parking.

18 Is there only going to be one spot?

19 MR. PEREIRAS: It's only one spot. There's
20 only room for one spot.

21 MS. JOLLY: Yeah, I know. And there's not
22 a lot of other parking.

23 Is -- is that allowable? Is -- are you
24 allowed to do that or do you have to get a -- you
25 know, some sort of a waiver to -- to have a two

1 family with just one parking spot?

2 MR. PEREIRAS: There's a variance for that.
3 And that's one of the variances that we're
4 seeking here.

5 MS. JOLLY: Okay.

6 So that -- that, obviously, is a concern.
7 I mean --

8 MR. PEREIRAS: The -- the way we presented
9 is that we're adding a unit and we're adding one
10 parking space.

11 There are two parking spaces that are
12 required for that unit. We're requesting a
13 variance for that one parking space.

14 MS. JOLLY: That's -- that's kind of a big
15 ask in that area, you know. As you know.

16 MR. PEREIRAS: Yeah.

17 MS. JOLLY: Okay.

18 Thank you.

19 VICE CHAIRPERSON GUTIERREZ: You're
20 welcome.

21 CHAIRPERSON GRULLON: Okay.

22 Again, making the motion to grant this
23 application to go from one unit to a two -- a two
24 family unit.

25 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

1 THE SECRETARY: Motion to grant the
2 application by Mr. Gullon.
3 Seconded by Miss Gutierrez.
4 Roll call on the motion.
5 Mr. Gullon?
6 CHAIRPERSON GRULLON: Yes.
7 THE SECRETARY: Miss Gutierrez?
8 VICE CHAIRPERSON GUTIERREZ: Yes.
9 THE SECRETARY: Mr. Garcia?
10 MR. GARCIA: Yes.
11 THE SECRETARY: Mr. Medina?
12 MR. MEDINA: Yes.
13 THE SECRETARY: Miss Pena?
14 MS. PENA: Yes.
15 THE SECRETARY: Miss Perez?
16 MS. PEREZ: Yes.
17 THE SECRETARY: Mr. Cetinich?
18 MR. CETINICH: Yes.
19 THE SECRETARY: Seven in favor.
20 Motion carries.
21 MS. PEREIRAS: Thank you all very much.
22 MR. PEREIRAS: Thank you, everyone.
23 CHAIRPERSON GRULLON: Thank you.
24 MS. PEREIRAS: Have a good night.
25 I'll see you next month.

1 MR. PEREIRAS: Good night.

2 MS. PEREIRAS: Thank you.

3 VICE CHAIRPERSON GUTIERREZ: You're
4 welcome.

5 Good night.

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

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

2 **111 35th Street:**

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4 THE SECRETARY: All right.

5 We're going to go back to 111 35th Street.

6 Mr. Lopez is going to represent Mr. Alonso
7 because --

8 Go ahead, Mr. Lopez.

9 MR. LOPEZ: Good evening, Mr. -- counsel,
10 Mr. Chairman, members of the Board.

11 I reached out to Mr. Alonso. He is a
12 delayed on a family matter and he asked me that I
13 please present this application on his behalf.

14 It is an application for a one year
15 extension of a previously approved Resolution.

16 This Board approved a --

17 The Resolution was adopted on April 9,
18 2020. It is an approval of three three family
19 homes on 35th Street right off of Park Avenue.

20 Unfortunately, just because of the timing
21 and because there -- it involved also an appeal
22 to Superior Court, the client was unable to get
23 all of his approvals from the Building Department
24 in a timely fashion.

25 I don't need to remind this Board that

1 April 2020, the start the pandemic that we're
2 still going through, and being shut down for
3 months and months and it prevented him from
4 completing it. So, he's respectfully asking for
5 a one year extension, which is permitted under
6 the statute.

7 CHAIRPERSON GRULLON: Mr. Lopez, just --
8 could you give me just one minute off the --

9 MR. LOPEZ: Absolutely.

10 CHAIRPERSON GRULLON: -- record on this?
11 I want to go off the record --

12 MS. DILLON: You want to go off the record?

13 CHAIRPERSON GRULLON: -- on this.
14 Yes, please.

15 MS. DILLON: Okay.

16

17 (Off the record at 6:36 p.m.)

18 (On the record at 6:38 p.m.)

19

20 THE SECRETARY: Mr. Lopez, please?

21 MS. DILLON: On the record.

22 MR. PANEQUE: Mr. Lopez, I understand that
23 you're pitching in for Mr. Alonso and, as such,
24 the questions that have been raised by the
25 Chairman outside the presence of the record are

1 questions that need to be addressed with Mr.
2 Alonso.

3 Specifically, Mr. Alonso is coming before
4 this Board asking for a one year extension.
5 However, this Resolution, as I'm seeing it --
6 because he submitted a copy, was just passed on
7 May 21st of last year, 2020.

8 It would not be coming up for a request for
9 extension until at least next year.

10 And also, if there was an appeal file, it
11 would have tolled the period that runs with the
12 Resolution.

13 So, we're going to carry this --

14 MR. LOPEZ: You are correct.

15 The only -- the only thing I can assume
16 that he did --

17 And -- and let's just carry it --

18 MR. PANEQUE: Yeah.

19 MR. LOPEZ: -- and let him come before the
20 Board and explain it.

21 VICE CHAIRPERSON GUTIERREZ: Um-hum.

22 MR. LOPEZ: The only thing I can assume
23 that he did, --

24 And -- and, you're right, I'm -- I'm
25 looking at the Resolution and it was adopted on

1 -- on May 21st, 2020. So he's still within the
2 two years --

3 MR. PANEQUE: Correct.

4 CHAIRPERSON GRULLON: Right.

5 MR. LOPEZ: -- to finalize the project.

6 VICE CHAIRPERSON GUTIERREZ: Um-hum.

7 MR. LOPEZ: I can only assume that his --
8 he is under the impression that he's appealing
9 his original approval before the Board.

10 It was an original approval, which went up
11 on appeal and then was returned to the Board.
12 And that may be either --

13 CHAIRPERSON GRULLON: Yeah, --

14 MR. LOPEZ: -- his confusion or they --

15 CHAIRPERSON GRULLON: Let's --

16 MR. PANEQUE: Okay.

17 MR. LOPEZ: -- that may be the actual --
18 the actual approval upon which he is relying.

19 In any event, --

20 MR. PANEQUE: Yeah.

21 MR. LOPEZ: -- you're absolutely right,
22 let's just carry it; let him explain it.

23 MR. PANEQUE: Yeah.

24 MR. LOPEZ: But --

25 MR. PANEQUE: I also need to bring to Mr.

1 | Alonso's attention that at the time that he made
2 | this application that was approved on May of last
3 | year, his previous approval was voided by this
4 | application and by this Resolution approval.

5 | MR. LOPEZ: If -- if you're saying so, I
6 | mean I --

7 | MR. PANEQUE: Yeah.

8 | So, it -- I understand --

9 | MR. LOPEZ: -- I'm limited.

10 | MR. PANEQUE: -- it's a good argument, but
11 | let's just carry it for purposes of clarifying
12 | what it is Mr. Alonso's intent here.

13 | And I'll speak to him, and if need be, we
14 | put it back on the agenda for next meeting.

15 | MR. LOPEZ: You're right, you may not -- he
16 | may still have a year left on it, so.

17 | MR. PANEQUE: Correct.

18 | MR. LOPEZ: Thank you so much.

19 | MR. PANEQUE: But thank you.

20 | MR. LOPEZ: I'll -- I'll advise him.

21 | CHAIRPERSON GRULLON: Thank -- thank you.

22 | VICE CHAIRPERSON GUTIERREZ: You're
23 | welcome.

24 | CHAIRPERSON GRULLON: And that's my
25 | impression that they still had time.

1 MR. PANEQUE: Yeah.

2 THE SECRETARY: You want to make a motion
3 to carry this to next meeting?

4 CHAIRPERSON GRULLON: I -- I make a motion
5 to carry to the next meeting.

6 THE SECRETARY: Motion by Mr. Grullon.

7 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

8 THE SECRETARY: Seconded by Miss Gutierrez.

9 Motion on the table to carry this
10 application to June 10, 2021, by Mr. Grullon.

11 Seconded by Miss Gutierrez.

12 Roll call on the motion.

13 Mr. Grullon?

14 CHAIRPERSON GRULLON: Yes.

15 THE SECRETARY: Miss Gutierrez?

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Garcia?

18 MR. GARCIA: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Miss Pena?

24 MS. PENA: Yes.

25 THE SECRETARY: Miss Perez?

1 MS. PEREZ: Yes.

2 THE SECRETARY: Seven in favor.

3 Motion carries.

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1 **La Q Realty LLC -**
2 **707 22nd Street:**

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

7 Mr. Lopez, please?

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

10 MR. LOPEZ: All right?

11 MR. PANEQUE: Go ahead, Mr. Lopez.

12 MR. LOPEZ: Thank you.

13 Counsel, Mr. Chairman, members of the
14 Board, I will call your attention to this matter
15 at 707 22nd Street, which we had on last time.

16 We had discussed the interior aspect fully
17 and the Board had one recommendation on this and
18 it related to the front.

19 Initially, the application called for
20 creating parking spaces in the front on 22nd
21 Street because there was a prior loading dock.

22 This Board felt that it wasn't really
23 appropriate for the area, given the layout, given
24 the way it is structured now.

25 And the Board made the suggestion that we

1 make a change and create -- remove the parking
2 spaces and create the look of a -- of a home to
3 match the block.

4 The plans have been revised and I have Mr.
5 Izquierdo here this evening who will testify as
6 to the revisions made to the proposed -- the
7 proposed application.

8 MS. DILLON: Please raise your right hand.

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

11 MR. IZQUIERDO: I do.

12 MS. DILLON: Please state your name for the
13 record.

14 MR. IZQUIERDO: My name is Jose Izquierdo,
15 New Jersey Architect 09143, New Jersey Planner
16 03385.

17 CHAIRPERSON GRULLON: We --

18 MS. DILLON: Thank you.

19 CHAIRPERSON GRULLON: -- we accept your
20 qualifications.

21 MR. IZQUIERDO: Thank you, Mr. Grullon.

22 Thank you, Mr. Chairman.

23 MR. LOPEZ: Mr. Chairman, I mean I think
24 it'd be best just to -- I'll -- I'll do it
25 however the Board wants, but just to go into the

1 revisions --

2 CHAIRPERSON GRULLON: Yes.

3 MR. LOPEZ: -- given that there was full --

4 CHAIRPERSON GRULLON: Yes, could you --

5 MR. LOPEZ: -- testimony previously?

6 CHAIRPERSON GRULLON: -- could you please
7 just go into the revision.

8 I -- I see it here on the plans. I just --
9 if you could --

10 MR. LOPEZ: Okay.

11 CHAIRPERSON GRULLON: -- put it -- you know
12 testify for the record.

13 MR. LOPEZ: Mr. Izquierdo, you will recall
14 that we were here last time and you testified as
15 to the original drawings.

16 Did your office have an opportunity to
17 revise these drawings in any way?

18 MR. IZQUIERDO: Yes.

19 MR. LOPEZ: Could you explain to the Board,
20 did you --

21 I'm sorry.

22 Did you take the Board's consideration --
23 into consideration in -- as to their
24 recommendation when you prepared the new
25 drawings?

1 MR. IZQUIERDO: Yes, certainly.

2 MR. LOPEZ: Can you please describe for us
3 what -- what revisions you made and what the
4 layout is like on this property as it pertains to
5 the front façade?

6 MR. IZQUIERDO: Yes.

7 Good evening, members of the Board.

8 Just to recap the application.

9 This was an application for a use variance
10 to introduce a four family house in the R
11 district, located at 7-- 707 22nd Street.

12 There was -- there's a grocery and a
13 loading dock and everything -- all this craziness
14 on the ground floor. And what the application
15 stated was to build three apartments accessible
16 to the handicap.

17 And part of that application provided for
18 three parking spaces in the front; one for the
19 handicap.

20 The Board considered the application and
21 thought that it was in the best interest of the
22 community to withdraw the -- the curb cut and to
23 eliminate the parking spaces, since it's only a
24 four family house.

25 And the drawings have been revised so that

1 the curb cut has been eliminated. And actually,
2 since the City has already repaved and done
3 everything very beautiful on 22nd Street, that's
4 going to remain exactly the same.

5 We also testified that the building already
6 has a fire sprinkler line that does not require
7 the street or the curb cut to be cut. And that
8 was a representation that was made by the owner
9 and I personally checked that.

10 So when we sprinkler the building we don't
11 have to change the curb cut and we don't have to
12 change the sidewalk.

13 The -- the landscaping on the street is
14 exactly what the City has. We're not going to
15 touch that.

16 But within the area that we were going to
17 have the three parking spaces, we have now a
18 planter and we have a concrete area because we're
19 going to demolish all that craziness and all that
20 ugliness in the front and then we're just going
21 to have a paved area there for residents to sit.
22 Like a little patio or something. Because
23 otherwise there won't be any open area.

24 So the drawings have been revised to show
25 that concrete patio with the sitting area for the

1 residents in the front, with a planting area.

2 And only one new variance has been
3 generated because originally the -- the existing
4 uses required 12 parking spaces. The new
5 proposed uses required seven parking spaces. But
6 now we're seeking a variance for the full seven
7 spaces.

8 That's all I have.

9 MR. LOPEZ: Other than the changes that you
10 testified --

11 MR. IZQUIERDO: The whole front is brick.

12 MR. LOPEZ: Okay.

13 MR. IZQUIERDO: We're changing the whole
14 front of the building; everything is going to be
15 brick. It's going to be very nice. It's going
16 to have a residential look. But it's still going
17 to have the steps going up because the ramp we
18 indicated that is technically infeasible. So
19 we're still going to have the three handicapped
20 apartments on the ground floor and just
21 landscaping and the -- and the planters with
22 brick.

23 MR. LOPEZ: And, Mr. Izquierdo, your plans
24 also show that approximately the first three rows
25 will be a stone material on the base.

1 Is that correct?

2 MR. IZQUIERDO: Yeah, that's the found--
3 that's a -- that's a bluestone wall of the --

4 MR. LOPEZ: Okay.

5 MR. IZQUIERDO: -- existing basement. Yes,
6 that's existing.

7 MR. LOPEZ: And that will remain?

8 MR. IZQUIERDO: Yeah. We're -- we're
9 keeping the bluestone. Yeah, that's very
10 beautiful.

11 MR. LOPEZ: Okay.

12 MR. IZQUIERDO: We're going to have brick
13 on top -- over that but the bluestone we're not
14 touching.

15 MR. LOPEZ: And other than the changes that
16 you testified to, did you make any other
17 modifications or changes in any way to the plans
18 of the interior of the building from your
19 original testimony?

20 MR. IZQUIERDO: I did not.

21 MR. LOPEZ: Okay.

22 Then that's all I would have.

23 CHAIRPERSON GRULLON: Yeah, Mr. Izquierdo,
24 on the increase of -- of the parking variance, is
25 the proposed location suitable for public

1 transportation in the area?

2 MR. IZQUIERDO: Yeah, because 22nd Street
3 -- actually this location, is equidistant between
4 what would be --

5 Like Bergenline Avenue, that takes you all
6 the way to Jersey City, Journal Square, and all
7 those.

8 And then Kennedy Boulevard, which is the
9 main thoroughfare, actually runs through Bergen
10 Boulevard and goes in Bergen County.

11 So it's very well served by public
12 transportation.

13 From 22nd Street you can also go and take
14 the Light Rail -- either the Congress Street
15 Station on 9th Street, or you can go to the one in
16 Union City that we have.

17 CHAIRPERSON GRULLON: Thank you.

18 Thank you, Mr. Izquierdo.

19 And thank you, Mr. Lopez, for, you know,
20 listening to the concern of the Board and taking
21 the recommendation and -- especially on 22nd
22 Street where we have a new street and new -- new
23 sidewalk and new trees. We don't want to change
24 the configuration of the sidewalks.

25 MR. LOPEZ: And the -- the client was in

1 agreement that will not be touched --

2 MR. IZQUIERDO: Yeah.

3 MR. LOPEZ: -- in any way.

4 MR. IZQUIERDO: Um-hum.

5 CHAIRPERSON GRULLON: I don't have any
6 question -- any other question.

7 Any member of the Board has any questions?

8 Any member of the public want to step
9 forward on this application?

10 Hear none.

11 Again, I -- I want to thank you for, you
12 know, revising the plan -- the revised plan with
13 the condition that we put forth on the last
14 hearing.

15 And make a motion to grant this application
16 to convert an industrial site into the -- into
17 very much needed residential unit.

18 VICE CHAIRPERSON GUTIERREZ: I'm second.

19 CHAIRPERSON GRULLON: Four -- four --

20 MR. MEDINA: Second.

21 CHAIRPERSON GRULLON: -- four residential
22 units.

23 THE SECRETARY: Motion on the table to
24 grant the application by Mr. Grullon.

25 Seconded by Miss Gutierrez.

1 And third second by Mr. Medina.

2 Roll call on the motion to approve this
3 application.

4 Mr. Grullon?

5 CHAIRPERSON GRULLON: Yes.

6 THE SECRETARY: Miss Gutierrez?

7 VICE CHAIRPERSON GUTIERREZ: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Ortiz?

11 MR. ORTIZ: Yes.

12 THE SECRETARY: Miss Perez?

13 MS. PEREZ: Yes.

14 THE SECRETARY: Mr. Cetinich?

15 MR. CETINICH: Yes.

16 THE SECRETARY: Six in favor.

17 Motion carries.

18 MR. LOPEZ: Thank you.

19 THE SECRETARY: Thank you.

20 VICE CHAIRPERSON GUTIERREZ: You're
21 welcome.

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

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1 **Aris B. Ventura Martinez -**

2 **104 40th Street:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, Aris B. Ventura Martinez, 104
6 40th Street.

7 Mr. Lopez, please?

8 MR. LOPEZ: Thank you.

9 Counsel, Mr. Chairman, members of the
10 Board, Adolfo Lopez appearing on behalf of Aris
11 Ventura, regarding this matter.

12 Miss Ventura is here; also, should the
13 Board have any questions of her.

14 And this is an application for a conversion
15 of a one family house to a two family house.

16 Mr. Paneque, I've provided you with the
17 jurisdictional documents on this matter.

18 MR. PANEQUE: Yes.

19 Thank you, Mr. Lopez.

20 For the record, I've been provided by Mr.
21 Lopez with the following documentation:

22 I have been provided with an affidavit of
23 service, signed by Mr. Lopez, and notarized by
24 Anna Noris, an attorney in his office, indicating
25 that notice of tonight's hearing was provided to

1 all property owners within a 200 foot range of
2 the property at 104 40th Street.

3 The notice was also published in the local
4 newspaper and I have been provided with an
5 affidavit from The Jersey Journal with a date of
6 publication of April 29th.

7 Said notice indicates that on tonight's --
8 tonight, 13th of May at six o'clock, at this
9 location in the Union City High School, the Board
10 will be presented with an application with
11 respect to the property at 104 40th Street.

12 I've also been provided with a copy of the
13 notice that went out to all property owners, as
14 well as the 200 foot list from the Union City Tax
15 Assessor's Office with a date of March 5th, 2021.

16 And the last thing I've been provided with
17 are the certified mail receipts with a postmark
18 date of April 29th, 2021.

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

22 CHAIRPERSON GRULLON: You may proceed, Mr.
23 Lopez.

24 MR. LOPEZ: Thank you, Mr. Chairman.

25 And just for clarification, we are here

1 before this Board -- this is an application for a
2 two family house.

3 I'm sorry.

4 For a conversion from a one family to a two
5 family house. Based upon Mr. Spatz directive, it
6 -- this Board has jurisdiction rather than the
7 Planning Board, given the nature of the
8 application.

9 The intent of the application by Miss
10 Ventura who, as I indicated is here, this is a --
11 it is a large one family house; they want to
12 convert it to a two family house. It is not for
13 rental. It is to be occupied by the entire
14 family. They have a large family and several
15 generations will be living -- and that's the
16 intent.

17 Mr. Izquierdo is my architect and he'll
18 also testify somewhat as a planner.

19 MR. IZQUIERDO: Correct.

20 MR. LOPEZ: And I offer him as an expert
21 witness this evening.

22 MS. DILLON: Mr. Izquierdo continues under
23 oath.

24 MR. IZQUIERDO: Thank you.

25 MR. LOPEZ: Mr. Izquierdo, are you familiar

1 with the plans that have been presented to this
2 Board as part of the application?

3 MR. IZQUIERDO: I am.

4 MR. LOPEZ: And are you familiar with the
5 property at 104 40th Street?

6 MR. IZQUIERDO: Yes, I am.

7 MR. LOPEZ: Your office prepared the plans
8 that have been submitted.

9 Is that correct?

10 MR. IZQUIERDO: Yes, we did.

11 MR. LOPEZ: Can you describe what it is
12 that is being sought by this application?

13 MR. IZQUIERDO: Good evening, members of
14 the Board.

15 Jose Izquierdo.

16 This Board gains jurisdiction of this
17 application because, according to Municipal Land
18 Use Law, when you have a one family or a two
19 family, it does not require site plan approval.

20 And in order for the Planning Board to have
21 jurisdiction over the application, site plan
22 approval must be required.

23 There's no site plan approval required for
24 this application. However, the applicant has
25 complied with all the requirements of site plan

1 approval, which is submission of all the
2 documents, submission of all the floor plans and
3 elevations and everything regarding the building.

4 As counselor indicated, this is a -- not a
5 large one family but according to Union City
6 standards, it is a large one family because it's
7 2400 square feet when you count the basement.

8 The basement is a daylight basement that
9 has seven feet four inches high and has a a
10 bedroom right now that exits directly to the
11 exterior. It -- it connects, of course, to the
12 inside but it has an egress to the outside and
13 it's right in the front of the building.

14 The basement also has a mechanical room and
15 laundry.

16 That basement is going to be associated
17 with the ground floor. So it's going to be a
18 duplex unit for unit number one; and then the
19 second floor is going to be converted into the
20 second unit.

21 In order to have the second floor be
22 habitable completely as a nice two bedroom
23 apartment, there's a smaller addition in the back
24 of 197 square feet, which -- of 197 square feet,
25 which is going to be built up on a footprint that

1 already exists.

2 So, the footprint --

3 MR. LOPEZ: Mr. Izquierdo, hold on.

4 Just for the Board's reference, we've
5 submitted a survey on this property, which shows
6 the one story addition that Mr. Izquierdo is
7 talking about right now.

8 MR. IZQUIERDO: So the footprint of the
9 ground floor, which is 870 square feet, remains
10 the same.

11 But on the second floor, in order not to
12 look out the window and see just the roof, we're
13 building the living room and we're making that
14 kitchen nicer.

15 In essence, what's going to happen is that
16 the basement remains exactly the same; just
17 renovated nice.

18 The second floor remains the same -- but
19 the -- the ground floor remains the same.

20 But the second floor is going to have that
21 addition over the existing of 197 square feet.

22 Right now the house is --

23 MR. LOPEZ: What are the dimensions in
24 terms of length and width for that addition, Mr.
25 Izquierdo?

1 MR. IZQUIERDO: Right now, in terms of the
2 house, the house is five bedrooms and two
3 bathrooms.

4 When we finish, we're going to have a three
5 bedroom apartment, which is the -- the ground
6 floor unit, with one bedroom in the basement and
7 two bedrooms on the upper floor. And on the
8 second floor we're going to have a two bedroom
9 unit.

10 Just to give you some sizes so that you
11 realize the sizes of the bedrooms, the bedroom in
12 the basement is 14 feet six by 16 feet. And it
13 has a beautiful bay window overlooking on 40th
14 Street.

15 The bedroom on the ground floor is 12 feet
16 by 15 feet. The other bedroom is 12 feet by 14
17 feet.

18 Those are the --

19 And then there's a little bedroom in the
20 back, which is 12 feet by eight feet. That's
21 going to be for like -- like the grandmother or
22 something like --

23 It meets Code.

24 On the -- on the second floor, there will
25 be a bedroom, which is going to be ten feet by 14

1 feet. And the other bedroom is going to be ten
2 feet by 12 feet.

3 The entire unit, the lower level unit, is
4 going to be 1600 square feet.

5 And the upper level unit is going to be 721
6 feet existing, plus the addition of 197 feet.

7 So, unit two is going to be 843 square
8 feet.

9 MR. LOPEZ: And --

10 MR. IZQUIERDO: The size of the addition is
11 going to be seven feet nine by seven feet four on
12 the one side; and total is going to be 15 by 12
13 by 13. Something like that.

14 It's a little irregular because I'm
15 building over the existing and there's a little
16 bit of a cantilever so that I can get a larger
17 living room. Because otherwise it would have a
18 jog.

19 We're not adding any bathrooms. There's
20 already three bathrooms in the house.

21 And access is still going to be through
22 40th Street. Nothing is going to change in the
23 front of the building.

24 The front door is going to remain the same.
25 It's just that when you enter that interior stair

1 | that would lead to the upper level, it's now
2 | going to be an independent stair to the second
3 | unit.

4 | I have nothing further.

5 | MR. LOPEZ: And in terms of -- is there any
6 | -- any possibility of providing parking the way
7 | this house is laid out?

8 | MR. IZQUIERDO: This house is a row house.
9 | This is a townhouse. And it's part of a common
10 | plan scheme that it's actually on the corner of
11 | 40th and Park. We have the ShopRite or the
12 | Pathmark of that big supermarket over there in
13 | Weehawken. And we're the -- we're actually the
14 | -- we have a hundred, a hundred and two, and
15 | we're a hundred and four.

16 | We're the third unit, which is basically
17 | kind of in the middle. None of those houses have
18 | parking.

19 | Because, basically, the size of the lot is
20 | 16 --

21 | Let me go through the variances.

22 | MR. LOPEZ: Yes.

23 | MR. IZQUIERDO: Okay.

24 | So, there are three preexisting
25 | nonconforming variances; and that's lot area, lot

1 width, and lot depth.

2 The lot area required is 2500 or 25 by a
3 hundred lot; and the lot is 1267.5 square feet or
4 16.9 by 75 feet.

5 Those are existing variances, they're
6 nonconforming, and they happen to be C-1
7 variances because of exceptional narrowness or
8 because of the original subdivision that the town
9 fathers created, they created these lots that are
10 16.9 by 75.

11 The front yard, the side yard, the rear
12 yard, the building height, the building coverage,
13 and the lot coverage all remain the same.

14 We have the prevailing setback, which we
15 need. It's a row house. It's a common scheme.
16 We have zero feet on either side because it's a
17 row house.

18 However, in the back, we have 1.3 feet with
19 one neighbor and then we have five feet with the
20 other neighbor. That's remaining. I'm not
21 making the -- the front yards any narrower or any
22 bigger.

23 The rear yard, it's required to be five
24 feet unobstructed, at least when these drawings
25 were made, and it's six feet. So we exceed by a

1 foot.

2 The building height allowed is four stories
3 or 45 feet. And we have only two stories less
4 than 25 feet.

5 Building coverage allowed is 85; we have 69
6 percent.

7 And lot coverage allowed is a hundred
8 percent; we have 95 percent.

9 In terms of parking, the existing
10 application would require three parking spaces
11 for a five bedroom house.

12 The proposed application, because of the
13 one two bedroom and the one three bedroom we're
14 required to have four parking spaces. So we have
15 a situation now five bedrooms require three
16 spaces and now we're going to have four bedrooms
17 require four spaces.

18 And that's a C-2 variance where the
19 purposes of zoning are advanced by a deviation
20 thereof.

21 CHAIRPERSON GRULLON: Thank you, Mr.
22 Izquierdo.

23 MR. LOPEZ: Nothing else, Mr. Chairman.

24 CHAIRPERSON GRULLON: Just question, Mr.
25 Izquierdo.

1 Construction on this application will be
2 just the -- the extension; that's the only
3 proposed construction?

4 MR. IZQUIERDO: Yes.

5 CHAIRPERSON GRULLON: And you -- the
6 construction is going to be on the same footprint
7 of the building.

8 You're not expanding the footprint of the
9 building?

10 MR. IZQUIERDO: I am building over the
11 existing footprint. But I have to cantilever a
12 little bit with a little bit of a post so that I
13 could end up with a living room that's square.

14 And that is shown on drawing A-1.

15 On drawing A-1, when you see the -- the
16 ground floor plan, you see that in -- in the
17 center, --

18 CHAIRPERSON GRULLON: I see.

19 MR. IZQUIERDO: -- in the ground floor plan
20 we have the -- the bathroom.

21 CHAIRPERSON GRULLON: Yeah, I see it.

22 MR. IZQUIERDO: And then we have that
23 little -- it's only like six feet by seven feet.

24 But, otherwise, if I don't have that I
25 don't have a living room.

1 CHAIRPERSON GRULLON: Okay.

2 MR. IZQUIERDO: And it -- it really doesn't
3 affect any neighbor. It doesn't affect any --
4 any rear yard or anything.

5 CHAIRPERSON GRULLON: All the variance that
6 you're requesting are preexisting?

7 MR. IZQUIERDO: All of them; with the
8 exception of the parking that I'm exacerbating is
9 by what --

10 CHAIRPERSON GRULLON: I don't have any
11 other questions.

12 Do -- do you have any questions?

13 Mr. Lopez, you mentioned that you had the
14 owner here?

15 MR. LOPEZ: The owner is here.

16 CHAIRPERSON GRULLON: Yes. Could -- could
17 I ask her a -- one question?

18 MR. LOPEZ: Of course.

19 State your name for the record.

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 MS. VENTURA MARTINEZ: Yes.

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

1 MS. VENTURA MARTINEZ: Aris Ventura
2 Martinez.

3 MS. DILLON: Thank you.

4 CHAIRPERSON GRULLON: And Miss Ventura, and
5 my question is you going to be living on -- on
6 those apartment --

7 MS. VENTURA MARTINEZ: Yes.

8 CHAIRPERSON GRULLON: -- with your family?
9 So how long have you lived there?

10 MS. VENTURA MARTINEZ: I'm not --

11 CHAIRPERSON GRULLON: For how long you
12 own --

13 Sorry.

14 My question is for how long you own the
15 property?

16 MS. VENTURA MARTINEZ: Since October last
17 year.

18 CHAIRPERSON GRULLON: Okay.

19 MR. LOPEZ: It was purchased with that
20 intent, Mr. --

21 MS. VENTURA MARTINEZ: Yeah.

22 CHAIRPERSON GRULLON: Okay.

23 MR. LOPEZ: -- Mr. Chairman.

24 CHAIRPERSON GRULLON: But you're occupying
25 the -- the units now?

1 Are you -- are you living there now?

2 MS. VENTURA MARTINEZ: No, I'm living with
3 my parents.

4 CHAIRPERSON GRULLON: Okay.

5 MS. VENTURA MARTINEZ: I'm -- I'm waiting
6 to fix it.

7 CHAIRPERSON GRULLON: Okay.

8 MS. VENTURA MARTINEZ: Yeah.

9 CHAIRPERSON GRULLON: I see.

10 MR. LOPEZ: Give us your address now, Aris.

11 MS. VENTURA MARTINEZ: 1 -- 805 17th Street
12 in Union City.

13 CHAIRPERSON GRULLON: That was my question.
14 Thank you, Miss Ventura.

15 MS. VENTURA MARTINEZ: Okay.

16 CHAIRPERSON GRULLON: Thank you.

17 MS. VENTURA MARTINEZ: I always live in
18 Union City. Yeah, before I used to live on 32nd
19 Street and I had to move out because the owner
20 was asking me to move out. So that's why I was,
21 you know, in the area of buying a house so --
22 because of the situation, I move in with my
23 parents. Always lived there for over 20 years.
24 So that's why I wanted to stay here.

25 CHAIRPERSON GRULLON: That's good.

1 I'm glad we're keeping good residents in
2 Union City.

3 MS. VENTURA MARTINEZ: Okay.

4 Thank you.

5 CHAIRPERSON GRULLON: Thank you, Miss
6 Ventura.

7 Thank you.

8 Any member of the public want to step
9 forward this application?

10 MR. LOPEZ: Mr. Medina, you had a question?

11 MR. MEDINA: No, that's -- that's fine.

12 MR. LOPEZ: Thank you.

13 MR. MEDINA: That's -- (indiscernible).
14 Some of the same questions.

15 MR. LOPEZ: Thank you.

16 CHAIRPERSON GRULLON: Hear none from the
17 public.

18 So taking in consideration that it's not
19 changing the footprint of the building and not
20 triggering any additional vari-- variance, I make
21 a motion to grant this application from one
22 family to convert it to a two family.

23 VICE CHAIRPERSON GUTIERREZ: And I'm
24 seconding.

25 THE SECRETARY: Motion on the table to

1 grant the application by Mr. Grullon.
2 Seconded by Miss Gutierrez.
3 Roll call on the motion.
4 Mr. Grullon?
5 CHAIRPERSON GRULLON: Yes.
6 THE SECRETARY: Miss Gutierrez?
7 VICE CHAIRPERSON GUTIERREZ: Yes.
8 THE SECRETARY: Mr. Garcia?
9 MR. GARCIA: Yes.
10 THE SECRETARY: Mr. Medina?
11 MR. MEDINA: Yes.
12 THE SECRETARY: Mr. Ortiz?
13 MR. ORTIZ: Yes.
14 THE SECRETARY: Miss Pena?
15 MS. PENA: Yes.
16 THE SECRETARY: Miss Perez?
17 MS. PEREZ: Yes.
18 THE SECRETARY: Seven in favor.
19 Motion carries.
20 MR. IZQUIERDO: Thank you very much.
21 MR. LOPEZ: Thank you so much, --
22 MR. IZQUIERDO: Good evening.
23 CHAIRPERSON GRULLON: Thank you.
24 MR. LOPEZ: Thank you.
25 CHAIRPERSON GRULLON: Thank you.

1 VICE CHAIRPERSON GUTIERREZ: You're
2 welcome.

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

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1 **ADOPTION OF RESOLUTIONS:**

2

3 (1) 3915 Bergenline Avenue, LLC 3915 Bergenline
4 Avenue. Block 229 Lot 32. Legalization of an
5 existing emergency generator. Legalization of 4
6 existing apartments. To go from 4 family to an 8
7 family dwelling. Approved

8

9 THE SECRETARY: We are going now - moving
10 to Resolutions.

11 We have two Resolutions on tonight's
12 agenda.

13 3915 Bergenline Avenue.

14 That's the Resolution.

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

17 CHAIRPERSON GRULLON: What was that?

18 MR. ORTIZ: Second.

19 THE SECRETARY: One second.

20 VICE CHAIRPERSON GUTIERREZ: Second.

21 MR. PANEQUE: This is the regular one; 3915
22 Bergenline Avenue.

23 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

24 CHAIRPERSON GRULLON: Make a motion to
25 grant this -- to approve this Resolution.

1 VICE CHAIRPERSON GUTIERREZ: And I'm
2 seconding.

3 THE SECRETARY: Motion by Mr. Grullon.

4 Seconded by Mr. Ortiz.

5 Roll call on the motion.

6 Mr. Grullon?

7 CHAIRPERSON GRULLON: Yes.

8 THE SECRETARY: Miss Gutierrez?

9 VICE CHAIRPERSON GUTIERREZ: Yes.

10 THE SECRETARY: Mr. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Mr. Ortiz?

13 MR. ORTIZ: Yes.

14 THE SECRETARY: Miss Perez?

15 MS. PEREZ: Yes.

16 THE SECRETARY: Mr. Cetinich?

17 MR. CETINICH: Yes.

18 THE SECRETARY: Six in favor.

19 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 **REVISED RESOLUTION:**

3

4 (2) 203 Union, LLC. 203 34th Street. Block
5 200 Lot 5. Applicant proposes to convert an
6 existing commercial space into two residential
7 units to convert the existing building into a 9
8 unit residential multifamily building. The
9 resolution was memorialized on September 10,
10 2020.

11

12 THE SECRETARY: We are going to Revise
13 Resolution.

14 203 Union, LLC; 203 34th Street.

15 Mr. Paneque?

16 MR. PANEQUE: The Chairman wants to address
17 the Board with respect to the Revised Resolution.

18 THE SECRETARY: Thank you.

19 CHAIRPERSON GRULLON: I -- for this
20 Resolution, number 2, the Revised Resolution for
21 203 Union, LLC., 203 34th Street, Block 200.

22 For the record, I want to -- to mention
23 that on the previous Resolution we stated on the
24 record that they were removing commercial space
25 in order to convert it into -- into one

1 apartment, two apartments.

2 And we -- we understand that removing the
3 commercial space is more beneficial for the
4 neighborhood because it didn't fit the
5 neighborhood. They were converting those into
6 residential unit.

7 And at that time we made the motion to
8 carry it -- to approve it from -- from seven to
9 nine, when it was actually to be approved from
10 six to nine -- to nine units.

11 We -- when we approve this Resolution it
12 has to state on the record that it's approving
13 from six to nine.

14 Make a -- make a motion to approve the
15 Resolution.

16 Motion to approve the Resolution --

17 THE SECRETARY: Motion --

18 CHAIRPERSON GRULLON: -- from six units
19 to --

20 VICE CHAIRPERSON GUTIERREZ: Second.

21 CHAIRPERSON GRULLON: -- nine units.

22 VICE CHAIRPERSON GUTIERREZ: Second.

23 THE SECRETARY: Motion to memorialize the
24 Resolution by Mr. Grullon -- and approve it.

25 Seconded by Miss Gutierrez.

1 Roll call on the motion.

2 Mr. Grullon?

3 CHAIRPERSON GRULLON: Yes.

4 THE SECRETARY: Miss Gutierrez?

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Mr. Ortiz?

9 MR. ORTIZ: Yes.

10 THE SECRETARY: Miss Pena?

11 MS. PENA: Yes.

12 THE SECRETARY: Miss Perez?

13 MS. PEREZ: Yes.

14 THE SECRETARY: Mr. Cetinich?

15 MR. CETINICH: Yes.

16 THE SECRETARY: Seven in favor.

17 Motion carries.

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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. Ortiz.

7 VICE CHAIRPERSON GUTIERREZ: Second.

8 THE SECRETARY: Seconded by Miss Gutierrez.
9 All in favor, say aye.

10

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

12

13 THE SECRETARY: The ayes have it.

14 Thank you.

15 Let the record show that the meeting has
16 end-- ended.

17 Thank you and goodnight, everyone.

18

19 (Whereupon, the proceedings were concluded
20 at 7:12 p.m.)

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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, May 13, 2021 and
10 digitally recorded.

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25 Monitored and proofread by: Deborah Dillon