

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, June 10, 2021
Commencing at 6:11 p.m.

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

GEORGE GARCIA
JOHN MEDINA
ROSIO PENA, Alternate No. 1
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4,
(Arrived at 6:18 p.m.)
MARGARITA GUTIERREZ, Vice Chairperson
VICTOR M. GRULLON, Chairperson

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

LIBERO MAROTTA
MIGUEL ORTIZ

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, 9799 Ventures, LLC

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant, Francisco Rodriguez

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant, Park Avenue Investment, LLC

I N D E X

	<u>PAGE</u>
CALL TO ORDER	6
SALUTE TO FLAG	6
ROLL CALL	7
ADOPTION OF MINUTES	9
HEARINGS	
111 35 th Street, LLC	11
9799 Ventures, LLC	12
Nerio & Graciela Espinosa	16
Francisco Rodriguez	18
Park Avenue Investment, LLC	35
ADOPTION OF RESOLUTIONS	51/53/55
ADJOURNMENT	57

I N D E X

Francisco Rodriguez
3300 Hudson Avenue

WITNESSPAGE

Manuel Pereiras

23

I N D E X

Park Avenue Investment, LLC
331 49th Street

WITNESSPAGE

Manuel Pereiras

36

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

3 Please take notice that on Thursday, June
4 10, 2021, at six p.m., a Regular Meeting is
5 scheduled for the City of Union City Zoning City
6 Board of Adjustment, to be held in the Union --
7 Union City High School, located at 2500 John F.
8 Kennedy Boulevard, Union City, New Jersey.

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

11

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

14

15 THE SECRETARY: Thank you.

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

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

25 Also, have been posted on the website of

1 the City of Union City; in front of the High
2 School building.

3

4 **ROLL CALL:**

5

6 THE SECRETARY: Roll call for tonight's
7 meeting.

8 Mr. Grullon?

9 CHAIRPERSON GRULLON: Here.

10 THE SECRETARY: Mr. Marotta's absent.

11 Ms. Gutierrez?

12 VICE CHAIRPERSON GUTIERREZ: Here.

13 THE SECRETARY: Mr. Ortiz is absent.

14 Mr. Garcia?

15 MR. GARCIA: Here.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Here.

18 THE SECRETARY: Miss Pena?

19 MS. PENA: Present.

20 THE SECRETARY: Miss Perez?

21 MS. PEREZ: Here.

22 THE SECRETARY: Mr. Cetinich?

23 MR. CETINICH: Here.

24 THE SECRETARY: Miss Watley is on the way.

25 We have one, two, three, four, five, six,

1 seven members.

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

4

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF MINUTES:**

2

3 (1) Regular Meeting Held on May 13, 2021

4

5 THE SECRETARY: Okay.

6 Approval of previous meeting minutes from
7 May 13, 2021.

8 Can I have a motion?

9 CHAIRPERSON GRULLON: Motion to approve.

10 THE SECRETARY: Motion by Mr. --

11 VICE CHAIRPERSON GUTIERREZ: Second.

12 THE SECRETARY: -- Gullon.

13 Seconded by Miss Gutierrez.

14 Roll call on the motion.

15 Mr. Gullon?

16 CHAIRPERSON GRULLON: Yes.

17 THE SECRETARY: Miss Gutierrez?

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Garcia?

20 MR. GARCIA: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Miss Pena?

24 MS. PENA: Yes.

25 THE SECRETARY: Miss Perez?

1 MS. PEREZ: Yes.

2 THE SECRETARY: Mr. Cetinich?

3 MR. CETINICH: Yes.

4 THE SECRETARY: Seven in favor.

5 Motion carries.

6

7 * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 111 35th St., LLC -

2 111 35th Street:

3

4 THE SECRETARY: We're going to item number
5 -- number 1, an extension; 111 35th Street, LLC.

6 Mr. Paneque?

7 MR. PANEQUE: This is an application that
8 was filed by Mr. Alonso's office, requesting an
9 extension.

10 However, in speaking to Mr. Alonso, it was
11 clarified that this application was only approved
12 a year ago and, therefore, there was no need to
13 file for an extension as the approval would have
14 been valid for two years.

15 So, this extension would not actually be
16 ready to be filed until next year in 2022.

17 After speaking to Mr. Alonso, he submitted
18 a letter via email with a date of June 10th,
19 requesting that his application for an extension
20 be withdrawn.

21 The letter is signed by Mr. Alonso and it
22 was emailed both to myself and Mr. Vallejo.

23 THE SECRETARY: Thank you.

24 * * *

25

1 **9799 Ventures, LLC -**

2 **1219 Bergenline Avenue:**

3

4 THE SECRETARY: Now we're going to number
5 2.

6 It's an extension; 9799 Ventures, LLC, 1219
7 Bergenline Avenue.

8 Miss Pereiras, please?

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

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

13 May it please the Board, Bianca Pereiras,
14 on behalf of the applicant.

15 The Board may recall that we appeared
16 before you in April of 2019 for approval to
17 construct a mixed use building.

18 This Board voted to approve that
19 application. Unfortunately, my clients were hit
20 rather hard during this COVID pandemic and they
21 were unable to proceed with the construction. In
22 fact, they weren't able to even carry the
23 building any further and were forced to sell the
24 property.

25 The new owners took a deed into this

1 property just last month and have already
2 retained the architect to finalize construction
3 documents and submit, hopefully within the next
4 two months, for application and permits before
5 the -- the Union City Building Department.

6 As such, we respectfully request that this
7 Board grant us a one year extension to allow them
8 that time to submit for permits.

9 CHAIRPERSON GRULLON: Ms. Pereiras, --

10 MS. PEREIRAS: Yes.

11 CHAIRPERSON GRULLON: -- could you briefly
12 describe this application?

13 What did we approve?

14 MS. PEREIRAS: Yeah.

15 So this was a mixed use building with
16 commercial and four residential units. This was
17 a four story building right on Bergenline Avenue.

18 CHAIRPERSON GRULLON: Was that going to be
19 a new construction? Or just --

20 MS. PEREIRAS: It's going to be new
21 construction.

22 There's an existing structure there that's
23 going to be torn down and a new building put up.

24 CHAIRPERSON GRULLON: Okay.

25 And you say the -- the property was sold to

1 a new owner?

2 MS. PEREIRAS: Correct.

3 CHAIRPERSON GRULLON: And --

4 MS. PEREIRAS: And the owner is the
5 applicant before the Board this evening.

6 CHAIRPERSON GRULLON: We -- if we grant the
7 one year extension, they'll be ready to proceed?

8 MS. PEREIRAS: They are ready and willing
9 to proceed as quickly as possible.

10 CHAIRPERSON GRULLON: Okay.

11 I don't have any other question.

12 Any member of the Board has any question?

13 Hear none.

14 Any member of the public has any question
15 for this application?

16 Hear none.

17 So with that, knowing that -- due to the
18 circumstances of the COVID-19, the owner was, you
19 know, not able to proceed with the -- with his
20 plan was -- he sold the property, we're going to,
21 you know, grant this one year extension to the
22 new owner to proceed with the construction.

23 MS. PEREIRAS: Thank you very much.

24 THE SECRETARY: Motion on the table to
25 approve the extension by Mr. Grullon.

1 VICE CHAIRPERSON GUTIERREZ: Second.

2 THE SECRETARY: Second 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: Miss Pena?

13 MS. PENA: Yes.

14 THE SECRETARY: Miss Perez?

15 MS. PEREZ: Yes.

16 THE SECRETARY: Mr. Cetinich?

17 MR. CETINICH: Yes.

18 THE SECRETARY: Seven in favor.

19 Motion carries.

20 MS. PEREIRAS: Thank you all very much.

21 VICE CHAIRPERSON GUTIERREZ: You're

22 welcome.

23

24

* * *

25

1 **Nerio & Graciela Espinosa -**

2 **2415 Bergenline Avenue:**

3

4 THE SECRETARY: All right.

5 We are going to move to number 3.

6 Nerio and Graciela Espinosa, 2415

7 Bergenline Ave-- Bergenline Avenue.

8 Mr. Paneque, please?

9 MR. PANEQUE: Yes.

10 Mr. Chairman, ladies and gentlemen of the
11 Board, I've been provided with a letter dated
12 June 9th, from the law firm of Paneque and
13 Paneque.

14 Just to clarify, I have no affiliation with
15 this law firm, other than a familiar (sic)
16 relationship. So I just want to bring that out
17 to the Board.

18 If the application had been presented, we
19 had made arrangements for a substitute attorney
20 to cover tonight's hearing.

21 However, the letter that we received from
22 the law firm of Paneque and Paneque indicates
23 that they are withdrawing their application due
24 to extenuating circumstances and, as such, this
25 application is being withdrawn.

1 THE SECRETARY: Thank you, Mr. Paneque.

2

3 (Whereupon, Mindry Watley arrived at 6:18
4 p.m.)

5

6 THE SECRETARY: Let the record reflect that
7 Miss Mindry Wately joined the meeting.

8 We have eight members right now.

9 All right, application has been withdrawn.

10

11

* * *

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Francisco Rodriguez -**

2 **3300 Hudson Avenue:**

3

4 THE SECRETARY: We are going now to number
5 4.

6 Francisco Rodriguez, 3300 Hudson Avenue.

7 Miss Pereiras, please?

8 MR. PANEQUE: For the record, I've been
9 provided by Ms. Pereiras with the following
10 documentation:

11 I have a certification as to publication
12 and service, which is signed by Miss Bianca
13 Pereiras, indicating that notice of tonight's
14 hearing on June 10th at six p.m., at this location
15 at the High School, was provided to all property
16 owners within the 200 foot radius.

17 The application notice indicates that it is
18 seeking the variances for these two expansion of
19 a nonconforming use variances for the property at
20 3300 Hudson Avenue, Union City, New Jersey.

21 The -- I've also been provided with a copy
22 of the affidavit of publication giving notice of
23 tonight's hearing at this location for the
24 property in question, 3300 Hudson Avenue.

25 This affidavit indicates that notice was

1 published on May 28th of 2021.

2 I've also been provided with the copy --
3 oh, actually, the original certified mail
4 receipts, with a postmark date of May 28th, 2021,
5 as well as a list of all property owners within
6 the 200 foot radius of 3300 Hudson Avenue, Block
7 202, Lot 1, from the Tax Assessor's office, with
8 a date of April 30th, 2021.

9 Ms. Pereiras, I have a question for you.

10 MS. PEREIRAS: Absolutely.

11 MR. PANEQUE: You provided me with two
12 sheets of certified mail receipts.

13 One, two, three, four, five, six, seven,
14 eight.

15 Eight and six -- 14 certified mail
16 receipts. However, the 200 foot list is quite
17 extensive.

18 MS. PEREIRAS: It is.

19 There is actually some significant condos.
20 And so on those we submitted to the condo
21 associations, as permitted by the MLUL.

22 MR. PANEQUE: Okay.

23 And the condo association is listed here as
24 -- is that Hudson Yards West, --

25 MS. PEREIRAS: Yes.

1 MR. PANEQUE: -- LLC?

2 MS. PEREIRAS: We have -- I'll tell you --
3 That is correct.

4 MR. PEREIRAS: No.

5 MS. PEREIRAS: No, no, no it's not. I'm
6 sorry.

7 MR. PANEQUE: No?

8 MS. PEREIRAS: I'll just doublecheck.

9 MR. PANEQUE: CC 3300 Palisade, LLC?

10 MS. PEREIRAS: It's 3312 Hudson Avenue
11 Association.

12 So that association, --

13 MR. PANEQUE: Okay.

14 MS. PEREIRAS: -- if you look at the
15 certified list, makes up one, two, three, four,
16 five, six, --

17 MR. PANEQUE: Got it.

18 MS. PEREIRAS: -- seven, eight, -- it keeps
19 going to the rest of the certified list.

20 MR. PANEQUE: Yeah. No, I just --

21 MS. PEREIRAS: It's mostly that one.

22 MR. PANEQUE: I saw that.

23 MS. PEREIRAS: Thank you.

24 MR. PANEQUE: You are correct that under
25 the statute you did not have to serve each

1 individual condo owner and you're allowed to
2 serve the association, which there is proof here.

3 Okay.

4 Can we go off the record?

5 MS. DILLON: Sure.

6

7 (Off the record at 6:23 p.m.)

8 (On the record at 6:26 p.m.)

9

10 MS. DILLON: On the record.

11 MR. PANEQUE: Okay.

12 We -- just so that the Board is aware of
13 what has transpired, the certified mail receipts
14 were all stamped by the post office, with the
15 exception of the one that I question for the
16 condo association, which appears that the post
17 office failed to stamp.

18 I think they call that Murphy's law.

19 Now, Ms. Pereiras was able to go on her
20 phone and she pulled up a tracking of the
21 certified mail receipt number and it appears that
22 not only was it mailed but it was received on
23 June 1st.

24 So, it has been received; it has been
25 mailed. Ms. Pereiras is going to print that

1 tracking information and -- and make it available
2 as part of her packet.

3 That being the case, this Board does have
4 jurisdiction to proceed and hear this matter.

5 MS. PEREIRAS: Thank you very much,
6 counsel.

7 Again, Bianca Pereiras, on behalf of the
8 applicant for property located at 3300 Hudson
9 Avenue, also known as Lot 1 and Block 202.

10 The application before the Board this
11 evening is to renovate and modify the interior of
12 an existing building to change it from mixed use
13 to purely residential.

14 On-site we had a commercial space occupying
15 both the first and the second floors of this
16 existing building while the remaining was
17 residential. The application is to convert that
18 commercial space, that currently exists, to
19 residential.

20 We are located in the D-ST Swiss Town
21 Redevelopment Area where multi-families are not
22 permitted, and such we are seeking a D-2 variance
23 to expand on a nonconforming use.

24 We have one expert to testify before the
25 Board this evening and that is our architect, Mr.

1 Manuel Pereiras.

2 MS. DILLON: Please raise your right hand.

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

5 MR. PEREIRAS: I do.

6 MS. DILLON: Please state your name for the
7 record.

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

11 MS. DILLON: Thank you.

12 MS. PEREIRAS: Mr. Chairman, for purposes
13 of the record, Mr. Pereiras has testified --

14 CHAIRPERSON GRULLON: We accept --

15 MS. PEREIRAS: -- before this Board in the
16 past.

17 CHAIRPERSON GRULLON: -- your
18 qualifications, Mr. Pereiras.

19 MS. PEREIRAS: Thank you very much.

20 CHAIRPERSON GRULLON: Thank you.

21 MR. PEREIRAS: Thank you.

22 MS. PEREIRAS: Mr. Pereiras, are you
23 familiar with the property at 3300 Hudson Avenue?

24 MR. PEREIRAS: Yes.

25 MS. PEREIRAS: And did you prepare the

1 | drawings that are before the Board this evening?

2 | MR. PEREIRAS: I did.

3 | MS. PEREIRAS: And would kindly describe
4 | the project to the Board?

5 | MR. PEREIRAS: I'd be very happy to.

6 | We're actually dealing with one of the most
7 | beautiful buildings in Union City, in my opinion.

8 | It's a beautiful brick structure; amazing
9 | cast stone details. And we're doing what this
10 | building really deserves.

11 | Right now it's carved into a lot of
12 | hodgepodge commercial offices in really bad
13 | condition. It doesn't fit into the area. It
14 | doesn't fit into that building the way it is.

15 | We're, basically, restoring it back to
16 | residential. And we, in this particular case, we
17 | let the building speak to us in how we had to
18 | split up these residential units.

19 | And I'm going to walk you through that. We
20 | simply did what actually fits in the building.

21 | For purposes of the presentation, the same
22 | drawings that were submitted to the Board, are on
23 | the easel to my left.

24 | And I'm going to start with sheet Z01.

25 | In Z01 we see the site -- we see that we

1 have a series of existing nonconformities. We
2 have side yard, front yard, rear yard.

3 There's only room for parking two cars in
4 the rear of the site. We're not looking to make
5 any changes to the actual site or the footprint
6 of this building.

7 It -- it -- like I said before, it's a
8 gorgeous building. We're looking to keep the
9 integrity of that building.

10 We do have a large site, even though it's
11 undersized for that location -- for the Swiss
12 Town redevelopment. We're at 3,941 square feet.

13 On sheet Z02 that I turn to now, you -- we
14 see the existing conditions.

15 On the basement we have a series of storage
16 spaces. There's cell tower equipment that's in
17 the basement. That all remains. We're not
18 looking to change that in any way.

19 The first floor we have office spaces. And
20 as you can see, they're a series of cubicles and
21 spaces along there. Same thing on the second
22 floor.

23 What we're proposing to do is to naturally
24 split this up into good residential units. There
25 are some awkward spaces and that's simply a

1 function of the existing architecture of the
2 building.

3 We have the center stair here, which is the
4 vertical circulation of the building. And we
5 have the front and the hallway.

6 So we have one space here that is 361
7 square feet. Unfortunately, I can't make that
8 bigger in any way. So we have a little bit of a
9 density issue there. We have an undersized
10 studio.

11 But what we're proposing as a studio, it
12 works very well. It's a great efficiency studio.
13 It's ADA accessible. And it -- it fits in that
14 location really well.

15 To the right we have a one bedroom
16 apartment.

17 To the rear we have a -- a two bedroom
18 apartment. The rear apartment is 1200 -- well,
19 1,207 square feet.

20 The one bedroom apartment is 616 square
21 feet.

22 If you go up to the second floor, the
23 stairs lead you to a center core; that leads you
24 to the two apartments where we split it front and
25 back.

1 The back apartment is 1,108, two bedroom.

2 And the front apartment is 1,159, three
3 bedroom.

4 We go up to the top floor and there's
5 something that's slightly confusing here. It --
6 we open it to same core. The rear apartment, we
7 call it a studio area, that's because it is a
8 studio -- an artist that lives there and that's
9 where he does his work. So it's not a studio
10 apartment; it's a studio area, an art studio and
11 he lives in that space.

12 And this is actually the owner's son. He's
13 been there for many years. He plans to be there
14 for many more years. Amazing artist. Traveled
15 the world. Producing amazing works of art and he
16 produces them right here in Union City. And
17 that's the space that he works in.

18 And we're looking to clean that up so he'll
19 have his apartment, which is part art studio/part
20 apartment. So it's a live-in condition.

21 And then the apartment along the front,
22 it's also another two bedroom apartment and it is
23 958 square feet.

24 There are very minor things that we're
25 doing to the exterior of the building. Mostly

1 just correcting window situations; creating a
2 little bit of a larger window for the studio
3 area, so he could get some good northern light
4 and some light from the east.

5 And that's pretty much it.

6 We did draw up the elevations of the
7 building. Just because this is just a gorgeous
8 building, we do have no other changes to the
9 façade other than what I described.

10 The building is going to meet all Code
11 criteria from today's contemporary IBC Code for
12 -- for safety.

13 So we're going to sprinkler this building.
14 It's going to have all the proper fire ratings.
15 It's going to have an alarm system. It's a huge
16 upgrade to the building, which is a huge benefit
17 and -- and definitely positive criteria.

18 That concludes my testimony.

19 MS. PEREIRAS: Mr. Pereiras, if you could
20 just call out some of the nonconforming
21 preexisting conditions that we have --

22 MR. PEREIRAS: Be very happy --

23 MS. PEREIRAS: -- on our zoning chart.

24 MR. PEREIRAS: -- to.

25 We have a few existing nonconforming

1 situations.

2 Minimum lot area.

3 Ten thousand is required; we have 3,941
4 square feet.

5 The minimum lot width.

6 A hundred feet is required in this
7 district; we have 39.3 feet.

8 The minimum front yard.

9 Twenty-five feet would be required; we have
10 17 feet three inches.

11 The minimum side yard.

12 Three feet for one side; 12 feet for both
13 as a total. We have zero on both sides of the
14 site. Also a preexisting nonconforming
15 situation.

16 Building coverage.

17 Sixty is permitted; we're at 66 percent.

18 And the maximum lot coverage.

19 Seventy-five percent is permitted. We're
20 actually slightly over the 75 percent; we're 75
21 percent -- I think it's 75.5 percent. That's an
22 existing non-conformity as well.

23 And then off-street parking.

24 We're expanding on that off-street parking
25 requirement. We would require a total of eight

1 spaces. We're actually reducing it because the
2 commercial space had a requirement of 13.5
3 spaces. And now that we're doing residential, we
4 have a total --

5 And I'm actually going to defer to a
6 planner to verify my numbers but I believe we
7 have a total of 16 --

8 We're -- we are expanding on it.

9 We have a total of -- of 14 spaces are
10 required.

11 So, those are preexisting, nonconformities
12 as for -- except for the parking that's expanded.

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

15 Does that conclude your testimony?

16 MR. PEREIRAS: It does.

17 CHAIRPERSON GRULLON: You have any other
18 witness, Ms. Pereiras?

19 MS. PEREIRAS: We do not, Mr. Chairman.

20 CHAIRPERSON GRULLON: I have a concern
21 here.

22 Your request is to -- to -- you know, to --
23 to create an apartment in a mixed residential
24 building.

25 MR. PEREIRAS: Well, we're removing --

1 CHAIRPERSON GRULLON: Right?

2 In a mixed use --

3 MR. PEREIRAS: We're removing the
4 commercial and making it only residential.

5 CHAIRPERSON GRULLON: But do you have any
6 residential there?

7 MR. PEREIRAS: Yes.

8 CHAIRPERSON GRULLON: Because according to
9 the memo from the Building Department, it's only
10 one commercial structure.

11 They're not recognizing as any residential.

12 MR. PEREIRAS: Then I look to this Board to
13 consider this an application of converting a
14 commercial building to residential.

15 This is appropriate and needed for this
16 building and for this structure and for this
17 location.

18 I don't see how this could be considered an
19 entirely commercial building. It's definitely
20 residential units up there that are over a
21 hundred years old. And kitchens and bathrooms
22 that are very dated.

23 That said, if the Building Department -- I
24 -- I don't need to question it, I don't need to
25 argue it, we're looking at this as a full

1 building redesign.

2 We're going to be doing sprinklers for the
3 entire building. We're going to be renovating
4 the entire building.

5 And, therefore, this application is simply
6 converting the commercial building into
7 residential appropriately.

8 CHAIRPERSON GRULLON: I saw that.

9 Excuse me one second.

10 Off the record.

11 MS. DILLON: Off the record?

12 CHAIRPERSON GRULLON: Off the record,
13 please.

14 MS. DILLON: One moment please.

15

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

17 (On the record at 6:40 p.m.)

18

19 MS. DILLON: On the record.

20 CHAIRPERSON GRULLON: I had a concern of
21 conflicting information here; one from Building
22 Department that called this application to be
23 entirely commercial building and the request is
24 asking for a mixed use building, you know,
25 conversion.

1 And for this, would like to, you know,
2 request the applicant to make the necessary
3 changes and bring back this application to the
4 next meeting.

5 MS. PEREIRAS: Yes, Mr. Chairman, we have
6 no objection.

7 We will modify the application and the
8 drawings and submit and hopefully go before the
9 Board next month with no notice requirement.

10 CHAIRMAN GRULLON: Yes. No new notice
11 required.

12 MS. PEREIRAS: Thank you.

13 CHAIRMAN GRULLON: Mr. Vallejo, I make a
14 motion to carry this application without new
15 notice.

16 THE SECRETARY: July 8.

17 CHAIRMAN GRULLON: Yes. Um-hum.

18 THE SECRETARY: Motion on the table to
19 carry this application to July 8th by Mr. Grullon.

20 Any second the motion?

21 VICE CHAIRPERSON GUTIERREZ: Second.

22 THE SECRETARY: Second by Miss Gutierrez.

23 Roll call on the motion to carry this
24 application to July 8; no new notice required.

25 Mr. Grullon?

1 CHAIRPERSON GRULLON: Yes.

2 THE SECRETARY: Miss Gutierrez?

3 VICE CHAIRPERSON GUTIERREZ: Yes.

4 THE SECRETARY: Mr. Garcia?

5 MR. GARCIA: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Miss Pena?

9 MS. PENA: Yes.

10 THE SECRETARY: Miss Perez?

11 MS. PEREZ: Yes.

12 THE SECRETARY: Mr. Cetinich?

13 MR. CETINICH: Yes.

14 THE SECRETARY: Seven in favor.

15 Motion carries.

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

18

19 * * *

20

21

22

23

24

25

1 **Park Avenue Investment, LLC -**

2 **331 49th Street:**

3
4 MR. PANEQUE: For the record, I've been
5 provided by Miss Pereiras with a certification as
6 to publication and service, giving notice of
7 tonight's hearing on June 10th, with respect to
8 the property located at 331 49th Street, Union
9 City, New Jersey.

10 The certification indicates notice was
11 given to all property owners within a 200 foot
12 radius of said property for tonight's hearing.

13 I've also been provided with an affidavit
14 from The Jersey Journal indicating that notice of
15 tonight's hearing, with respect to this
16 application, was published on the 28th of May of
17 this year.

18 I've also been provided with the certified
19 mail receipt, with have a -- which have a
20 postmark date of May 28th, 2021.

21 And I've been provided with the Union City
22 Tax Assessor's office tax list for properties
23 within the 200 foot radius of 331 49th Street.
24 This tax list was done on May 5th, 2021.

25 Based on the documentation that has been

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

3 MS. PEREIRAS: Thank you, counsel.

4 Again, Bianca Pereiras, on behalf of the
5 applicant, for 331 49th Street, also known as Lot
6 31 in Block 280.

7 Presently we have a residential building.
8 We are seeking to legalize two residential units
9 for a total of four within the structure.

10 We are located in the R low density
11 residential. And we have one expert to testify
12 before the Board this evening; Mr. Manuel
13 Pereiras.

14 MR. PEREIRAS: Manny Pereiras.

15 I recognize that I am still under oath.

16 MS. PEREIRAS: Mr. Pereiras, are you
17 familiar with the property at 331 49th Street?

18 MR. PEREIRAS: I am.

19 MS. PEREIRAS: And would you kindly
20 describe the proposed legalizations for the
21 Board?

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

23 We have a -- a site that's slightly
24 nonconforming.

25 We do have the 25 foot front yard set--

1 front yard frontage -- lot width.

2 Not my day today.

3 And we have a lot depth of 97.5 feet. So
4 that we're slightly shy from the hundred that's
5 required. That's our first existing
6 nonconformity as far as variances go.

7 Obviously, the next one that gets triggered
8 is the minimum lot area. Twenty-five hundred is
9 required; we're at 2,433. So we're 67 square
10 feet shy of having a conforming lot.

11 We do have a use variance for you here
12 today. We're converting what is a legal two
13 family to four family.

14 This Board, actually many years ago, saw
15 the same application. The applicant had issues
16 with the process -- legalizing it. Difficulty in
17 a lot of Code issues.

18 We're correcting that here today -- we're
19 coming before this Board to, basically, redo what
20 was done many years ago. Hopefully, -- and so
21 that he could finalize his process and go through
22 the Building Department and make -- get a proper
23 C.O. for all four units.

24 I'd like to describe to you where the units
25 are.

1 We have this front portion; houses two
2 units right now. There is a basement in this
3 front portion. And then there's this rear
4 portion of the house and that's where we propose
5 the fourth unit, along that rear portion.

6 As far as front yard, we have -- they have
7 prevailing front yard.

8 We have a minimum side yard that we do not
9 meet. There's nine inches on one side; two foot
10 three on the other.

11 And we are expanding on the parking
12 variance. Since we're legalizing two more cars
13 -- two more units, eight cars would be provided;
14 whereas, we have no parking. There's no ability
15 to provide parking at this site.

16 Concerning the drawing, we see the
17 condition of this -- this house.

18 What we see here is the -- the basement
19 layout. We have the main stair leading from the
20 center of the building; that takes you down to
21 the apartment. There's also an emergency stair
22 along the back.

23 And this is an existing two bedroom
24 apartment. You have the living room, dining
25 room, kitchen along the rear portion. You have

1 the two bedrooms along here. And you have the
2 mechanical room and the kitchen at this portion
3 over here.

4 The bedrooms, we are making -- changing
5 them significantly and we're updating the entire
6 apartment in order to comply with Code.

7 We're creating a two hour fire separation
8 in the ceiling to make sure that if there's a
9 fire, that is contained.

10 We have a sprinkler system going throughout
11 the entire structure. It's --

12 We have also an alarm system going
13 throughout the entire structure.

14 And we're creating emergency egress windows
15 for all the bedrooms. So if there's ever any
16 danger, people could escape not only to the two
17 exists that they have within the apartment but
18 also to the windows, meaning that they'll have
19 four exits coming out of this one small unit.

20 The entire square footage of this apartment
21 is 740 square feet for the apartment that we're
22 proposing.

23 Actually, I'm sorry -- very sorry.

24 I'm telling you, this is not my day.

25 The -- what I described to you was the

1 existing condition.

2 The proposed condition, we're actually
3 demolishing that entire apartment and we're
4 creating a much -- much, much nicer apartment.
5 We're creating a one bedroom apartment.

6 The one bedroom is along the front, which
7 makes access for egress even better.

8 We still have -- we're maintaining the two
9 exists from the front and the back, as I
10 described. But instead of having this small
11 living room/dining room area, we made it a much
12 larger. We took a -- put away the other bedroom
13 and we made it into a larger living room/dining
14 room/kitchen area.

15 And we modified the existing bathroom.
16 We're removing it altogether and we're making an
17 ADA bathroom, which is triggered because we have
18 four units. And anything over three units, you
19 require ADA accessibility.

20 The two apartments above remain; no changes
21 are proposed to that.

22 And then the rear structure is -- we're
23 maintaining the existing footprint of that rear
24 structure. What we have is an area of 4,000 -- I
25 mean 478 square feet in total, where you have an

1 entrance to the living room/dining room/kitchen
2 area. And then an internal stair that takes you
3 up to the bedroom area, with its walk-in closet.

4 The bathroom is on the first floor with the
5 kitchen/living room/dining room. And the -- and
6 the bedroom is on the second floor.

7 We're not looking to expand that in any way
8 to the outside. It's just basically using the
9 existing condition and legalizing what we have
10 there.

11 That is it for my presentation. And I'm
12 open for questions.

13 CHAIRPERSON GRULLON: All right.

14 Mr. Pereiras, so that -- Apartment number
15 3, that's a one -- you're -- you're proposing to
16 do a one bedroom apartment.

17 Is that a new construction?

18 MR. PEREIRAS: So, the -- it's not new
19 construction. The interior is significantly
20 fixed. So we have to make it all comply with
21 Code.

22 So we're creating new ceilings, new fire
23 ratings throughout everything, sprinkler system,
24 alarm.

25 So it's an existing apartment that we're

1 | basically redoing completely.

2 | CHAIRPERSON GRULLON: And -- and that's the
3 | only one that is going to be duplexed.

4 | No?

5 | MR. PEREIRAS: That's the only duplex;
6 | correct.

7 | CHAIRPERSON GRULLON: Any construction on
8 | Apartment number 2 and number 4?

9 | MR. PEREIRAS: Only Code required things,
10 | such as the sprinkler system and the alarm
11 | system.

12 | CHAIRPERSON GRULLON: Okay.

13 | But your basement unit, you'll be, you
14 | know, kind of renovating completely?

15 | MR. PEREIRAS: It's -- it's more than
16 | renovation. It's a full alteration.

17 | We're demolishing the entire thing and
18 | rebuilding it to something actually very
19 | beautiful. It's going to be a very nice one
20 | bedroom apartment.

21 | CHAIRPERSON GRULLON: Are you proposing to
22 | do anything with the façade of the building?

23 | MR. PEREIRAS: We aren't proposing
24 | anything.

25 | If the Board would like anything

1 particular, we'd be happy to do so. There's
2 nothing proposed at this time.

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

5 MR. PEREIRAS: Façade's in nice shape.

6 CHAIRPERSON GRULLON: Could -- could you go
7 over the safety improvement that you'll be doing
8 in the building?

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

10 So, all our safety improvements come from
11 Code. We have various codes that apply. Mostly,
12 the International Building Code.

13 The greatest difference is that we're going
14 from what's called an R-5 structure, to an R --
15 to an R-2 structure, which changes the Code
16 requirements significantly.

17 First and foremost, we're going to have a
18 fire suppressed building. So this building is
19 going to be fully -- have a full functioning
20 sprinkler system that complies with NFPA 13.

21 Basically, you're going to have sprinkler
22 heads in every single room. You're going to have
23 your openings protected.

24 In addition to that, what we call fire
25 ratings, are improved throughout the building.

1 Fire ratings are done by means of an
2 assembly. It's how a floor or how a wall is
3 constructed and the time frame it takes for a
4 fire to transpose from one end to the other.

5 In a very simple way, we're creating a two
6 hour fire separation between this basement unit
7 and the units above.

8 We're also creating a one hour separation
9 between the unit in the rear to the front.

10 And we're creating a one hour separation
11 between all the existing units, as well as a one
12 hour separation in the stairwells.

13 The exterior walls, since they're close to
14 the property line, also get upgraded to be a one
15 hour rating.

16 In addition to that, everything's going to
17 meet electric code; everything's going to meet
18 plumbing code.

19 Everything's going to meet all the
20 requirements of the North Hudson Sewage Authority
21 or the Passaic Valley -- Valley Sewage Authority.
22 Which means it's going to improve stormwater
23 runoff requirements and improve our -- our sewer
24 system.

25 In addition to that, we're going to have a

1 fire alarm system. We have two fire alarm
2 systems going into this building. One alarm
3 system is going to be a low voltage alarm system
4 that's going to address all the common areas.
5 And, in addition to that, there's going to be a
6 110 volt interconnected fire alarm system within
7 each of the apartments.

8 In addition to that, all the bedrooms that
9 we're creating are new, which is basically two.

10 One in the new apartment in the basement,
11 which is created along the front, is going to
12 have an emergency escape window.

13 And the -- and the apartment in the rear is
14 going to also have that emergency escape window.

15 What does it mean to have an emergency
16 escape window?

17 It fundamentally means that people could
18 exit in the case of an emergency. The opening is
19 going to be 5.7 square feet in total width. It
20 has minimum dimension of two feet in every
21 direction. And the sill height is no more than
22 44 inches.

23 So, those are the improvements we'll be
24 doing to -- to the structure.

25 CHAIRPERSON GRULLON: Thank you, Mr.

1 | Pereiras.

2 | One last question.

3 | On the parking requirement, are you
4 | increasing the amount of bedroom or the amount
5 | apartment?

6 | Did -- is that a -- did -- is that -- would
7 | that affect the parking requirement of this
8 | application?

9 | MR. PEREIRAS: Yes, we are expanding on a
10 | preexisting variance there.

11 | So there is no parking in this -- in this
12 | project currently. There's no way of providing
13 | parking in this project.

14 | We're creating these -- basically, it's a
15 | one bedroom unit that we're creating two of them.
16 | And -- and we are expanding the parking
17 | requirement on that.

18 | Based on the RSIS standards, it's 1.8
19 | parking spaces per each one of these units.
20 | Let's round that. What -- what -- we could say
21 | that we have four parking spaces are required,
22 | based on these units. We cannot provide those
23 | parking spaces and there's no ability to do so on
24 | this site.

25 | However, we are in Union City. These are

1 small apartments. Economic apartments.
2 Accessible, which we need greatly. We have a --
3 a lack of -- of apartments in Union City. It's
4 very hard to get an apartment that's economic and
5 -- and able to do. And we have great access to
6 public transportation.

7 Hopefully, we'll have a resident that does
8 not have a car in these units. I think it's very
9 reasonable, considering our public transportation
10 and the size of these apartments.

11 These aren't huge apartments that is going
12 to house a whole family. This -- these are small
13 apartments.

14 CHAIRPERSON GRULLON: Thank you, Mr.
15 Pereiras.

16 I -- I don't have any more questions.

17 Do you -- any member of the Board has any
18 question?

19 MR. GARCIA: I have a question.

20 Could you just explain the stairwell in --
21 in the proposed basement plan?

22 The one that's at the front of the building
23 toward 49th Street, just because I don't see it in
24 the existing basement plan.

25 So are you proposing to build that

1 stairwell?

2 MR. PEREIRAS: So, -- are you -- do you
3 mean these steps along the front of the building?

4 MR. GARCIA: Yeah, those. Yup.

5 MR. PEREIRAS: Those are the preexisting
6 steps in the building. They should be on both
7 the existing and the proposed.

8 MR. GARCIA: Okay.

9 MR. PEREIRAS: That doesn't change.

10 MR. GARCIA: So, -- yeah, it was just
11 missing --

12 MR. PEREIRAS: That's on the outside of the
13 house. Yeah.

14 MR. GARCIA: -- on here.

15 Okay.

16 CHAIRPERSON GRULLON: Anyone else has any
17 question?

18 Hear none.

19 At this time I want to open it to the
20 public.

21 Any member of the public want to step
22 forward on this application -- (indiscernible)?

23 Hear none.

24 Closed to the public.

25 Taking into consideration that it's going

1 to be improvement of the safety of the building
2 and it's also going to provide low -- low rental
3 apartments to the residents of Union City, I make
4 a motion to grant this application.

5 THE SECRETARY: Motion on -- on the table
6 to grant the application of Park Avenue
7 Investments, LLC.

8 MR. MEDINA: Second.

9 THE SECRETARY: Can I have a second?

10 MR. MEDINA: Second.

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

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

14 Mr. Grullon?

15 CHAIRPERSON GRULLON: Yes.

16 THE SECRETARY: Miss Gutierrez?

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Garcia?

19 MR. GARCIA: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Miss Pena?

23 MS. PENA: Yes.

24 THE SECRETARY: Miss Perez?

25 MS. PEREZ: Yes.

1 THE SECRETARY: Mr. Cetinich?

2 MR. CETINICH: Yes.

3 THE SECRETARY: Seven in favor.

4 Motion carries.

5 MS. PEREIRAS: Thank you all very much.

6 Have a good night.

7 I'll see you next month.

8 MR. PEREIRAS: Thank you, everyone.

9 VICE CHAIRPERSON GUTIERREZ: Goodnight.

10 CHAIRPERSON GRULLON: Thank you.

11 MR. PEREIRAS: Goodnight.

12

13 * * *

14

15

16

17

18

19

20

21

22

23

24

25

1 ADOPTION OF RESOLUTIONS:

2

3 (1) 391 Mountain Road, LLC. 391 Mountain Road.
4 Block 175 Lot 48. Applicant proposes to a rear
5 addition and the conversion of one family into
6 two family. Approved

7

8 THE SECRETARY: We're moving to Resolutions
9 now -- right now.

10 Number 1, 31 (sic) Mountain Road LLC.

11 This application was approved at the
12 previous meeting.

13 Can I have a motion to memorialize the
14 Resolution?

15 CHAIRMAN GRULLON: Motion.

16 THE SECRETARY: Motion by Mr. Grullon.

17 VICE CHAIRPERSON GUTIERREZ: Second.

18 THE SECRETARY: Seconded by Miss Gutierrez.

19 Roll call on the motion.

20 Mr. Grullon?

21 CHAIRPERSON GRULLON: Yes.

22 THE SECRETARY: Miss Gutierrez?

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Garcia?

25 MR. GARCIA: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Miss Pena?

4 MS. PENA: Yes.

5 THE SECRETARY: Miss Perez?

6 MS. PEREZ: Yes.

7 THE SECRETARY: Mr. Cetinich?

8 MR. CETINICH: Yes.

9 THE SECRETARY: Seven in favor.

10 Motion carries.

11

12 * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

1 ADOPTION OF RESOLUTIONS:

2

3 (2) La Q Realty, LLC. 707 22nd Street. Block
4 116 Lot 15. Change of use from a mixed use
5 grocery/warehouse and one (1) residential unit to
6 four (4) residential. Approved

7

8 THE SECRETARY: Resolution number 2.

9 Q Realty, LLC, 707 22nd Street.

10 Can I have a motion --

11 CHAIRPERSON GRULLON: Motion.

12 THE SECRETARY: -- to adopt the Resolution?

13 Motion by Mr. Grullon.

14 VICE CHAIRPERSON GUTIERREZ: Second.

15 THE SECRETARY: Seconded by Miss Gutierrez.

16 Roll call on the motion.

17 Mr. Grullon?

18 CHAIRPERSON GRULLON: Yes.

19 THE SECRETARY: Miss Gutierrez?

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 THE SECRETARY: Mr. Garcia?

22 MR. GARCIA: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Miss Pena?

1 MS. PENA: Yes.

2 THE SECRETARY: Miss Perez?

3 MS. PEREZ: Yes.

4 THE SECRETARY: Mr. Cetinich?

5 MR. CETINICH: Yes.

6 THE SECRETARY: Seven in favor.

7 Motion carries.

8

9 * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 ADOPTION OF RESOLUTIONS:

2

3 (3) Aris B. Ventura Martinez. 104 40th Street
4 Block: 238 Lot: 18 Conversion from one (1) family
5 to a two (2) family home with a 197 sq. ft.
6 addition to second floor. Approved

7

8 THE SECRETARY: Resolution number 3.

9 Aris B. Ventura Martinez, 104 40th Street.

10 Can I have a motion to memorialize this
11 Resolution?

12 CHAIRPERSON GRULLON: Yes.

13 Motion.

14 THE SECRETARY: Motion by Mr. Grullon.

15 VICE CHAIRPERSON GUTIERREZ: Second.

16 THE SECRETARY: Seconded by Miss Gutierrez.

17 Roll call on the motion.

18 Mr. Grullon?

19 CHAIRPERSON GRULLON: Yes.

20 THE SECRETARY: Miss Gutierrez?

21 VICE CHAIRPERSON GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Garcia?

23 MR. GARCIA: Yes.

24 THE SECRETARY: Mr. Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Miss Pena?

2 MS. PENA: Yes.

3 THE SECRETARY: Miss Perez?

4 MS. PEREZ: Yes.

5 THE SECRETARY: Mr. Cetinich?

6 MR. CETINICH: Yes.

7 THE SECRETARY: Seven in favor.

8 Motion carries.

9

10 * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 Motion by Miss Gutierrez.

7 Seconded by Mr. Grullon.

8 All in favor?

9

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

11

12 THE SECRETARY: The ayes have it.

13 Thank you.

14 Let the record indicate that the meeting
15 has ended.

16 And goodnight, everyone.

17 VICE CHAIRPERSON GUTIERREZ: Goodnight.

18

19 (Whereupon, the proceedings were concluded
20 at 7:00 p.m.)

21

22

23

24

25

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, June 10, 2021 and
10 digitally recorded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Monitored and proofread by: Deborah Dillon