

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, July 8, 2021
Commencing at 6:13 p.m.

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

GEORGE GARCIA
MIGUEL ORTIZ
GERALDINE PEREZ, Alternate No. 2
MARGARITA GUTIERREZ, Vice Chairperson
VICTOR M. GRULLON, Chairperson

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

LIBERO MAROTTA
JOHN MEDINA
ROSIO PENA, Alternate No. 1
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

JOHN BARREE, PP, AICP,
Heyer Gruel & Associates, Consulting Planner

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

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Attorney for Applicant, Francisco Rodriguez

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant, KW NJ Holdings, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 806 13th Street UC, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Olvein Velez

J. ALVARO ALONSO, ESQ.
Attorney for Applicant, Iglesia Pentecostal
Arca de Dios

J. ALVARO ALONSO, ESQ.
Attorney for Applicant, DDIS Union City, LLC

I N D E X

	<u>PAGE</u>
CALL TO ORDER	9
SALUTE TO FLAG	9
ROLL CALL	10
ADOPTION OF MINUTES	12
HEARINGS	
Francisco Rodriguez	14
KW NJ Holdings, LLC	28
806 13 th Street UC, LLC	45
Olvein Velez	47
Iglesia Pentecostal Arca de Dios	70
DDIS Union City, LLC	82
ADOPTION OF RESOLUTIONS	92/94
ADJOURNMENT	96

I N D E X

Francisco Rodriguez
3300 Hudson Avenue

WITNESSPAGE

Manuel Pereiras

15

I N D E X

KW NJ Holdings, LLC
2501 West Street

WITNESSPAGE

Manuel Pereiras

30

I N D E X

Olvein Velez
405 33rd Street

<u>WITNESS</u>	<u>PAGE</u>
Orestes Valella	56
Olvein Velez	65

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Union City Department of Community Development Agency Documents	50
A-2	Tax records dating to 1996	51
A-3	Package, Department of Community Affairs	51
A-4	Building Permits dating to 1996	51
A-5	Letter from Cory Benevides, Esq., dated 10/29/2020	51

I N D E X

Iglesia Pentecostal Arca de Dios
2000 West Street

WITNESSPAGE

Albert Arencibia

72

Alexis DeLeon

77

I N D E X

DDIS UNION CITY, LLC
717 Bergenline Avenue

WITNESSPAGE

Manuel Pereiras

84

1 MS. DILLON: Okay.

2 On the record.

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

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

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

13

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

16

17 THE SECRETARY: Thank you.

18 Opening statement.

19 Adequate notice of this meeting has been
20 provided as follow:

21 Notice of this meeting setting forth the
22 time, date, location, to the agenda, to the
23 extent known, was forwarded to The Jersey
24 Journal, The Record, and The Hudson Reporter, has
25 been posted on the bulletin board in City Hall,

1 and has been made available to the public in the
2 Office of the Municipal Clerk.

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 is absent.

11 Ms. Gutierrez?

12 VICE CHAIRPERSON GUTIERREZ: Here.

13 THE SECRETARY: Mr. Ortiz?

14 MR. ORTIZ: Here.

15 THE SECRETARY: Mr. Garcia?

16 MR. GARCIA: Here.

17 THE SECRETARY: Mr. Medina is absent.

18 Ms. Pena is absent.

19 Ms. Perez?

20 MS. PEREZ: Here.

21 THE SECRETARY: Ms. Cetinich is absent.

22 And Ms. Watley's absent.

23 The only way because it was involving an
24 auto accident on Route 3.

25 We have five -- five Board members present

1 | tonight.

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1 **ADOPTION OF MINUTES:**

2 **Regular Meeting Held on June 10, 2021**

3

4 THE SECRETARY: Okay.

5 We are going to approval of previous
6 meeting minutes of June 10th, 2021.

7 Can I have a motion?

8 CHAIRPERSON GRULLON: Motion.

9 THE SECRETARY: Motion.

10 VICE CHAIRPERSON GUTIERREZ: Second.

11 THE SECRETARY: Motion by Mr. Grullon.

12 VICE CHAIRPERSON GUTIERREZ: Second.

13 THE SECRETARY: Seconded by Ms. Gutierrez.

14 Roll call on the motion?

15 Mr. Grullon?

16 CHAIRPERSON GRULLON: Yes.

17 THE SECRETARY: Ms. Gutierrez?

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Garcia?

20 MR. GARCIA: Yes.

21 MR. BARREE: I am your replacement planner.

22 Sorry I'm late.

23 THE SECRETARY: It's okay.

24 MR. BARREE: Right here?

25 THE SECRETARY: Mr. -- Mrs. Perez?

1 MS. PEREZ: Yes.

2 THE SECRETARY: You was absent, Mr. Ortiz.

3 Right?

4 MR. ORTIZ: Yeah, I was out.

5 THE SECRETARY: Four in favor.

6 Motion carries. He was absent.

7

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

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1 **Francisco Rodriguez -**

2 **3300 Hudson Avenue:**

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4 THE SECRETARY: All right.

5 We're going to move to the first
6 application on tonight's agenda, Francisco
7 Rodriguez, 3300 Hudson Avenue.

8 Ms. Pereiras, please?

9 MS. PEREIRAS: Good evening, Counsel, Mr.
10 Chairman, Members of the Board.

11 May it please the Board, Bianca Pereiras on
12 behalf of the Applicant.

13 The Board may recall that we presented
14 testimony on this application at the last
15 hearing. There was a discrepancy with our
16 description of the property and what the Building
17 Department found to be legal. And so we
18 submitted revised drawings to the Board to show
19 that the property was commercial and we were
20 converting same to residential.

21 I don't know if the Board -- the Board
22 would like to hear further testimony from our
23 architect, Mr. Manuel Pereiras.

24 MS. DILLON: Please raise your right hand.

25 Do you affirm --

1 THE SECRETARY: Mr. Ortiz was absent at the
2 previous meeting.

3 MS. DILLON: I'm sorry.

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

7 MR. PEREIRAS: I do.

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

11 MS. DILLON: Thank you.

12 CHAIRPERSON GRULLON: We accept your
13 qualifications, Mr. Pereiras.

14 MR. PEREIRAS: Thank you, Mr. Chairman.

15 MR. PANEQUE: If I may, Mr. Pereiras before
16 you begin?

17 Mr. Vallejo, Mr. Ortiz was out at the last
18 meeting?

19 THE SECRETARY: Yes, at the previous
20 meeting. That's mean they --

21 MR. PANEQUE: Okay.

22 THE SECRETARY: -- they go --

23 MR. PANEQUE: Technically, you only have
24 four members here because he didn't hear the
25 previous testimony.

1 MR. PEREIRAS: I'll recap my testimony very
2 briefly.

3 MR. PANEQUE: Okay.

4 MR. PEREIRAS: It's a very simple,
5 straight-forward project. And that way we can
6 all come to -- come to speed --

7 MR. PANEQUE: Okay.

8 MR. PEREIRAS: -- and he doesn't have to
9 rely on his reading of the -- the previous
10 minutes.

11 MR. PANEQUE: All right. Thank you, Mr.
12 Pereiras.

13 MR. PEREIRAS: Be very happy to.

14 We're -- we're dealing with actually a very
15 beautiful structure. It's a preexisting
16 structure. And, currently, it is used
17 exclusively as commercial as registered in the
18 Building Department. Throughout many years, I'd
19 say the last 50 years, it has been converted in
20 different ways and to residential. Paperwork is
21 light on that. We're looking to correct all of
22 that and really bring this building back to what
23 it should be which is fully residential.

24 And what we did is we took all the existing
25 commercial spaces and we divided them in ways

1 | that are logical with the building dimensions to
2 | make them fully residential.

3 | And -- and that's what we presented to this
4 | Board today. If you'd like me to elaborate
5 | further I can. I think that covers what we're --
6 | we're doing.

7 | CHAIRPERSON GRULLON: Yes, Mr. Pereiras, if
8 | you could explain a little bit more about how
9 | long it's been residential and -- and there has
10 | been, you know, any documentation this building
11 | has been rented for residential properties.

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

13 | In order to do that I'm going to refer to
14 | our drawings.

15 | On sheet Z02 which is our same drawings
16 | that were submitted before the Board, we show the
17 | current conditions of these apartments. As you
18 | can see here, there are various kitchens and
19 | bathrooms and configured as apartments.

20 | You walk in through these apartments, these
21 | fixtures are dated. They're easily in the '70s
22 | and maybe even older in some of this building.
23 | So a lot of the work that was done and converted
24 | into residential, you know, predates even
25 | building code and definitely predates the zoning

1 ordinance that we have today.

2 Taking that into consideration, it really
3 doesn't matter from a code perspective because
4 we're dealing with this whole building as new.
5 We're completely altering it and making it as
6 state-of-the-art today meaning all International
7 Building Code standards. So the building will
8 become fully residential.

9 And the configuration as shown on Sheet Z03
10 here which conforms to our ordinance and to the
11 building code.

12 There is one apartment that doesn't conform
13 to our ordinance as far as minimum square
14 footage, but that's because we are dealing with
15 the constraints of the hallway and the stairs.
16 So this apartment right here which is a studio
17 apartment is 361 square feet. But we're unable
18 to make that any bigger in any way because we
19 can't grow that apartment in any direction
20 because we're defined by the exterior walls, the
21 stairs, and the hallway. So that's the only unit
22 that is undersized as far as density with the
23 city. Other than that, they're all fully
24 conforming units and will be conforming with the
25 -- the building code.

1 CHAIRPERSON GRULLON: Are the units
2 occupied for residential purposes?

3 MR. PEREIRAS: So some of them are. For
4 example, the owner's son lives in the top
5 apartment. He's an artist. He's been using that
6 as, like, a work/live situation. He has his art
7 studio there and he's lived there for the past 15
8 years.

9 There are other apartments that have been
10 occupied and they've been occupied for a while.

11 CHAIRPERSON GRULLON: And your request is
12 to convert this -- the one commercial structure
13 into seven residential?

14 MR. PEREIRAS: So we're requesting -- the
15 -- the city has the entire building classified as
16 commercial, every single floor. We're requesting
17 seven residential units in this building.

18 CHAIRPERSON GRULLON: And, again, this zone
19 is a commercial zone or is this residential?

20 MR. PEREIRAS: This is the Swiss
21 Development District, I believe. So, yes, we're
22 in the Swiss Town Development District which
23 permits multi-family dwellings.

24 And just to go over all the details of
25 that, the minimum lot area in the Swiss

1 Development District is 10,000 square feet. Of
2 course we don't comply with that. We are shy of
3 that with 3,941 square feet.

4 But we do have a minimum lot depth of a
5 hundred. We comply with that.

6 Our lot width is 39.3 feet, whereas, a
7 hundred foot is required in this district.
8 That's another variance.

9 We are compliant with the front yard
10 setback.

11 Our rear yard setback is 17 foot three
12 which is not compliant because it's required to
13 be a 25 feet rear yard.

14 Our side yards are zero at existing, so
15 that's another variance.

16 We are compliant with height. We are
17 compliant with height and stories.

18 We are slightly over our building coverage.
19 We're at 66 percent, where 60 is permitted.

20 Our maximum lot coverage we are compliant.

21 And, of course, we are in deficient of
22 parking. We provide two parking spaces.

23 However, it's important to note that those
24 -- these are all preexisting nonconformities. We
25 are not modifying this building in any way on the

1 exterior except enlarging one window on the top
2 floor. So this is a beautiful structure, we
3 don't want to modify this in any way. And this
4 is a much better use as residential than it is
5 for commercial. So in many ways, we're reducing
6 the impact in the neighborhood because the
7 parking demand for this as a commercial building
8 is much greater than the demand as a residential
9 building.

10 In addition to that, it's located in a
11 prime location where they could get buses, great
12 bus transportation from that location. We all
13 know very well. So the demand for vehicles and
14 parking is minimal for a building of this size
15 and the scale of these apartments that we're
16 proposing today.

17 MS. PEREIRAS: And just to clarify Mr.
18 Pereiras' testimony, we are seeking a D-1 use
19 variance because a seven unit is not permitted
20 within the Swiss Redevelopment zone.

21 MR. PANEQUE: Okay.

22 CHAIRPERSON GRULLON: One more thing Mr.
23 Pereiras, can you describe the block? Is there
24 any other commercial structure in that block?

25 MR. PEREIRAS: That's a very good comment.

1 It is -- there are commercial structures in the
2 vicinity, but on that block -- that block is
3 characterized around the corner, you have The
4 Thread building. Across the street you have a
5 dental office and you have a residential building
6 as well. You have a larger residential multi-
7 family building that's coming up to the lot next
8 to that. So, definitely, the -- the appearance
9 of this building is a residential building. We
10 want to bring it back to that. And it
11 appropriately would be a residential building.

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

14 I don't have any more questions.

15 Any member of the Board has any question
16 for Mr. Pereiras?

17 MR. PANEQUE: Before we proceed, Mr.
18 Pereiras, have you had a chance to review Mr.
19 Spatz's memo?

20 MR. PEREIRAS: Is it the same memo from the
21 previous meeting?

22 MR. PANEQUE: This one was dated June 11th,
23 so it postdated the last meeting.

24 MR. PEREIRAS: So I have not seen that, no.

25 MR. PANEQUE: Okay.

1 You want to just take a look at this one
2 specifically, paragraph number 1.

3 MR. PEREIRAS: Thank you.

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

6 MR. PANEQUE: If you can also, go to the
7 second page and look at the variances, the way
8 Mr. Spatz is describing them.

9 MR. PEREIRAS: That's excellent.

10 Thank you for bringing this to our
11 attention.

12 MR. PANEQUE: Okay.

13 Do you wish to clarify your testimony at
14 this time?

15 MR. PEREIRAS: I -- I would.

16 Thank you very much.

17 So Mr. Spatz in his report and as counsel
18 stated, we are seeking a D-1 use variance because
19 the -- the -- however, the parcels -- the
20 remaining parcels will be controlled by the
21 standards of the R low-density residential zone.
22 Therefore, our variances are slightly different
23 than what I described.

24 A minimum lot area in the R district is
25 2,500 square feet which means that we are

1 compliant. We have 3,938 square feet. Whereas,
2 I mentioned that we needed a variance before, we
3 actually do not.

4 The minimum lot width is 25 feet, whereas,
5 our lot width is 39 feet which conforms as well.

6 The minimum lot depth is a hundred and we
7 have a hundred.

8 The minimum front yard is ten feet or
9 prevailing. The existing structure has a front
10 yard setback as -- of 11.5 feet, so we conform in
11 that as well.

12 The rear yard of five feet is required when
13 submitted -- when these drawings were submitted.
14 And the existing building has a rear yard of 17
15 feet, three inches which is also conforming.

16 Minimum side yards of two feet and five
17 feet combined are required. The existing
18 building is built at the lot line, so this is a
19 preexisting condition that we request a variance
20 for only on that.

21 Lot area as I mentioned before is now,
22 since we're in the R zone, is at 85 percent
23 permitted. We're at 66 percent, therefore, we
24 are not requiring a variance for that.

25 And impervious area is permitted to be a

1 | hundred percent, whereas, we're at 75 percent.

2 | Therefore, the only variances we are
3 | seeking today is the D-1. And as far as C
4 | variances, the only C variance that we're we are
5 | requesting is side yard setback. So it's a lot
6 | less than I actually testified earlier.

7 | Thank you, Mr. Paneque, for pointing that
8 | out.

9 | CHAIRPERSON GRULLON: And the parking, Mr.
10 | Pereiras?

11 | MR. PEREIRAS: So, for parking, if we
12 | follow RSIS standards, let's see what his -- Mr.
13 | Spatz has a total count of 14 spaces being
14 | required. We do have two parking spaces. This
15 | is a preexisting condition. And, unfortunately,
16 | we have the hardship of not being able to create
17 | more land or create any additional parking in
18 | this building that we'd like to salvage. It's a
19 | beautiful historic building, so we are requesting
20 | the variance for parking there.

21 | However, it is a reduction in actually the
22 | -- the variance that we're seeking because as a
23 | commercial space it would require more parking
24 | than we do as 14 -- 14 spaces residential.

25 | CHAIRPERSON GRULLON: Thank you, Mr.

1 | Pereiras -- that explain that.

2 | Any member of the Board?

3 | Hearing none.

4 | Any member of the public want to step
5 | forward this application?

6 | Seeing none.

7 | Closed to the public.

8 | Taking in consideration that this
9 | application will be more conforming to the -- to
10 | the zone, is changing a commercial space -- a
11 | non-conforming space to a more -- to a space that
12 | is more allowed in the -- in the area and
13 | providing -- providing apartments for the
14 | residents of Union City, I make a motion to grant
15 | this application to --

16 | VICE CHAIRPERSON GUTIERREZ: I'll second
17 | it.

18 | CHAIRPERSON GRULLON: -- to convert the one
19 | commercial into seven residential units.

20 | THE SECRETARY: Motion on the table to
21 | grant this application by Mr. Grullon, seconded
22 | by Ms. Gutierrez.

23 | Roll call on the motion.

24 | Mr. Grullon?

25 | CHAIRPERSON GRULLON: Yes.

1 THE SECRETARY: Ms. Gutierrez?

2 VICE CHAIRPERSON GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Garcia?

4 MR. GARCIA: Yes.

5 THE SECRETARY: Mr. Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: Ms. Perez?

8 MS. PEREZ: Yes.

9 THE SECRETARY: Five in favor.

10 Motion carries.

11 MS. PEREIRAS: Thank you all very much.

12

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

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1 **KW NJ Holdings, LLC -**

2 **2501 West Street:**

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4 MR. PANEQUE: For the record, I've been
5 provided by Ms. Pereiras with the following
6 documentation:

7 I have a certification as to publication
8 and service indicating that notice of tonight's
9 hearing was provided to all property owners
10 within the 200 foot radius with respect to the
11 property identified as 2501 West Street in Union
12 City.

13 I've also been provided with a copy of an
14 affidavit of publication from The Jersey Journal
15 with a date of June 26th, 2021, giving notice
16 that on today's date at six p.m. at this location
17 an application with respect to 2501 West Street
18 will be heard by this Board.

19 I've also been provided with the certified
20 mail receipts with a postmark date of June 28th,
21 2021, as well as a 200-foot list from the Union
22 City Tax Assessor's with a date of June 23rd,
23 2021, with respect to all property owners within
24 the 250 range of 2501 West Street.

25 Based on the information that has been

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

3 MS. PEREIRAS: Thank you, counsel.

4 The application before the Board this
5 evening is for 2501 West Street, LLC, for
6 property located at 2501 West Street, also known
7 as Lot 18 in Block 143.

8 The application before the Board this
9 evening is to convert commercial space to
10 residential.

11 Currently we have a mixed-use building
12 consisting of residential above one floor of
13 commercial. It actually has three commercial
14 spaces. The goal is to convert two of those
15 commercial spaces into residential.

16 I am also in receipt of a letter from the
17 Building Department that notes this property as
18 being commercial in its entirety. So the
19 application before the Board this evening is to
20 convert from commercial to residential with one
21 commercial unit to remain on the ground floor.

22 We are seeking a D-2 expansion of the non-
23 conforming use. And we have one expert to
24 testify before the Board this evening, our
25 architect, Mr. Manuel Pereiras.

1 MR. PEREIRAS: Manny Pereiras, I recognize
2 that I am still under oath.

3 MS. PEREIRAS: Mr. Pereiras, are you
4 familiar with the property at 2501 West?

5 MR. PEREIRAS: I am.

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

8 MR. PEREIRAS: I did.

9 MS. PEREIRAS: And would you kindly
10 describe the building and the proposed
11 modifications to the Board?

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

13 Members of the Board, the drawings that you
14 see on the easel before me and to my left are the
15 same drawings that were submitted to the Board.

16 This has been a bit of a troubled property
17 for the landlord. There have been multiple
18 tenants, commercial tenants, throughout the years
19 and they have each modified the property in many
20 ways. And it's been very hard for them to keep
21 any of these commercial tenants.

22 And it's definitely not very attractive,
23 the site. There is a series of garbage along the
24 rear of it. The -- the landlord has taken over
25 this property. He started to clean up that

1 property. We have an associated application
2 going before the Planning Board to clean up the
3 property to the rear.

4 What we're looking to do and he asked me
5 for advice and I said, quite honestly, the two
6 commercial spaces that you have there shouldn't
7 be commercial, they should be residential.
8 Bringing them back into residential which is in
9 conformance with the district is what should
10 happen.

11 The -- and the portion that I'm pointing to
12 here in the existing condition, this is a CMU
13 wall that extends the rear of the property. And
14 there is a makeshift shed over that area. So
15 instead of allowing that condition to exist, what
16 we're looking to do is to formally close that
17 area. And that's the area that I'm calling an
18 addition. And taking the space that we have as
19 these two existing commercial spaces, squaring --
20 squaring it out with the addition and creating a
21 one-bedroom apartment in both the front and the
22 rear.

23 So we're utilizing the -- we're eliminating
24 the entryways to the commercial space which I
25 think is going to make the façade significantly

1 more attractive. So instead of having these
2 multiple doors and tiny spaces, we're creating
3 one single residential space entry for the entire
4 residential portions of this building that leads
5 you to this hallway which allows you to enter the
6 rear apartment that is a one-bedroom apartment of
7 600 square feet and a one-bedroom apartment in
8 the front which is 763 square feet.

9 The same access allows you to access the
10 apartments on the floors above which are split
11 down the middle.

12 You have three bedroom apartments on each
13 side -- three bedroom apartments to the -- to the
14 west and two-bedroom apartments to the east, 913
15 and 870 square feet respectively.

16 We were unable to measure those apartments
17 due to COVID at the time of the application, but
18 we have the -- the data and measured the exterior
19 of the apartments there.

20 And then from a façade standpoint, you
21 could see we're significantly cleaning up the
22 building, cleaning up the entire front façade.
23 We're leaving the market, the existing market on
24 the corner in place. We're replacing the
25 storefronts with residential-sized windows,

1 | redoing the entryway for the -- the commercial --
2 | the residential portion of the building, create a
3 | nice large transom to bring in light into that
4 | area cleaning it up. And we believe that it's a
5 | significant improvement to this building.

6 | To talk about the variances that we seek,
7 | we, of course, seek a D-1 because of a multi-
8 | family in the R district. And our requirements
9 | -- and we have a series of preexisting non-
10 | conforming variances.

11 | We are compliant with lot area. We have
12 | 3,404 square feet, so this is an oversized lot.

13 | We have a lot -- a lot width of 37.44 feet.

14 | We have a lot depth of 81.46 feet which we
15 | are nonconforming.

16 | We have a front yard that is prevailing
17 | zero which is conforming.

18 | We have a rear yard of 15 feet, two which
19 | is conforming because a five foot is required at
20 | the time of application.

21 | And we have a zero foot setback on the
22 | sides which is technically expanding on that
23 | variance because we are doing this addition along
24 | this portion.

25 | The height is conformance. We are three

1 | stories and 37 feet.

2 | Our coverage is in conformance. We're 82
3 | percent.

4 | And our -- and our lot coverage is at a
5 | hundred percent, but that is also in conformance.

6 | We are requiring 14 parking spaces for this
7 | area, just on the residential side. The
8 | commercial side increases this another three
9 | parking spaces, so we have a parking demand of 17
10 | spaces, whereas, zero are provided. Again, this
11 | is a preexisting condition that we're expanding
12 | upon. There's no opportunity to create
13 | additional parking at this site.

14 | That concludes my testimony.

15 | CHAIRPERSON GRULLON: I mean, help me to
16 | understand the -- the application here.

17 | According to the Building Department memo,
18 | these are four commercial units?

19 | MR. PEREIRAS: So, according to the
20 | Building Department memo, the building is fully
21 | commercial. This is very clearly a mistake in
22 | their paperwork. This structure, if you look at
23 | the photograph over here, it's a three-story
24 | structure. The apartments on the two floors
25 | above are easily probably 60 years old, maybe

1 even more. And -- and these apartments have been
2 there predating the ordinance for sure.

3 So those four apartments that are up there
4 on the second and third floor are preexisting
5 conditions. I think there's no question about
6 that.

7 And then the ground floor is divided into
8 three commercial spaces. Two of those commercial
9 spaces is what we're converting into apartments.
10 I wouldn't be surprised if they're -- they've
11 been there for over a hundred years.

12 CHAIRPERSON GRULLON: Yeah. And what
13 you're requesting is to convert -- to legalize
14 how many apartments?

15 MR. PEREIRAS: Two apartments. So the --
16 on the ground floor right now --

17 CHAIRPERSON GRULLON: I'm sorry to
18 interrupt you.

19 I mean, right now what I see is that you
20 have -- you're proposing to have one commercial
21 and five residential.

22 MR. PEREIRAS: No, no.

23 CHAIRPERSON GRULLON: You -- you got two
24 floors, a -- a second and third, two apartment
25 each and you're proposing another apartment on

1 the first floor.

2 MR. PEREIRAS: I'm proposing two apartments
3 on the ground floor.

4 CHAIRPERSON GRULLON: Okay.

5 Then that -- that's one commercial and six
6 residential?

7 MR. PEREIRAS: That's correct.

8 CHAIRPERSON GRULLON: So that -- that's
9 your request?

10 MR. PEREIRAS: That's what -- that's our
11 proposal, yes.

12 CHAIRPERSON GRULLON: I believe the
13 application has to be a request to convert the
14 four commercial spaces into residential and one
15 commercial.

16 MR. PANEQUE: The issue that we have --

17 CHAIRPERSON GRULLON: We have a -- we have
18 a discrepancy with Building Department memo.

19 MR. PEREIRAS: Yeah.

20 CHAIRPERSON GRULLON: And I would like to
21 clarify that before we make any, you know,
22 movements.

23 MR. PANEQUE: Yeah.

24 Ms. Pereiras had actually call me earlier
25 today.

1 Is it today or yesterday --

2 MS. PEREIRAS: Yesterday.

3 MR. PANEQUE: -- yesterday, I lost track of
4 time --

5 MS. PEREIRAS: That's okay.

6 MR. PANEQUE: -- already -- with this
7 question.

8 I don't have an explanation for why the
9 memo from the Building Department is reading as a
10 four-unit commercial structure. It -- it doesn't
11 make sense.

12 Okay?

13 The -- there are apartments on the second
14 and third floor. Now --

15 CHAIRPERSON GRULLON: We could clearly see
16 that, but I would like to get this correction
17 before we move.

18 MR. PANEQUE: Okay.

19 CHAIRPERSON GRULLON: Do you want to
20 continue with your presentation and then carry
21 over the application for Board after we revise
22 whether the application or revise the memo from
23 Building Department?

24 MS. PEREIRAS: Okay. So if I understand
25 you correctly, you would like revised drawings

1 | that show fully commercial to mixed use?

2 | CHAIRPERSON GRULLON: No, no, because
3 | you're showing the existing condition.

4 | MS. PEREIRAS: Um-hum.

5 | CHAIRPERSON GRULLON: You can -- you will
6 | not be able to show four commercial spaces.

7 | MS. PEREIRAS: Correct.

8 | CHAIRPERSON GRULLON: But I would like to
9 | get clarification from Building Department or
10 | maybe just a correction for new application
11 | requesting to convert four commercial structure
12 | into a six residential with one commercial.

13 | MR. PEREIRAS: So the way I understand it,
14 | the Building Department has an error in their
15 | documents that they -- these are clearly four
16 | residential units.

17 | CHAIRPERSON GRULLON: Yes.

18 | MR. PEREIRAS: I don't think the Building
19 | Department has the power to correct that error.
20 | I actually think it would be coming before this
21 | Board for an interpretation anyway.

22 | CHAIRPERSON GRULLON: Yes. Yes.

23 | But I would like to get -- right now what
24 | you're requesting is only to legalize two
25 | apartment, no?

1 MR. PEREIRAS: Right.

2 But I think this Board has the power to
3 recognize those four existing units and to -- to
4 legalize those two units. I think this Board is
5 actually -- it's -- it has the jurisdiction to do
6 so if you so wish.

7 CHAIRPERSON GRULLON: I agree, but is just
8 the way that we presenting the application to the
9 neighbors. I -- I believe the way we presenting
10 the application is that we only converting from
11 four commercial to -- and adding two additional
12 units. It's not clear. You know, it's not clear
13 to me. It's just -- that's what I would like to
14 see if we can get some clarification only on the
15 way that you requested this. It's only -- the
16 way that it's presented is that you're going from
17 how many units here?

18 MS. PEREIRAS: Originally from four
19 residential units to six.

20 MR. PEREIRAS: And we can't change that.

21 CHAIRPERSON GRULLON: Huh?

22 MR. PEREIRAS: We can't change that because
23 it significantly changes the scope of our work.
24 Right now we're not touching the four apartments
25 above.

1 However, if I were to say that we're
2 converting those from commercial to residential,
3 then it is all new codes apply to those four
4 existing apartments which means I'm displacing
5 tenants. I'm causing a lot of havoc in their
6 lives which I do not want to do. What I want to
7 do is just do the conversion of the two
8 apartments below.

9 MR. PANEQUE: Mr. Pereiras and Ms.
10 Pereiras, if I may make a suggestion?

11 Can you get the Building Department to give
12 you a clarification letter on that memo that
13 there are an existing four residential units
14 already on the second and third floor.

15 Okay?

16 It should not be that difficult based on
17 the structure and the age of the building.

18 I, myself, grew up on 21st Street. And for
19 the past 55 plus years, I've known that building
20 as four apartments.

21 In fact, I visited friends in that building
22 when I was a kid. So those apartments have been
23 there.

24 We just need the memo from the Building
25 Department to clarify this situation.

1 Now, your application is asking to convert
2 two commercial units into residential units. We
3 need a clarification if I'm understanding our
4 Chairman to be more specific as to what is being
5 requested, so that the public is placed on notice
6 as to what the intention is from the applicant.

7 So the notice should have or could -- could
8 read applicant is seeking to convert two
9 commercial structures in an existing building
10 which presently has three commercials and four
11 residentials, thereby, ending up with an end
12 product of one commercial and six residential
13 units.

14 If we have that clarification, I think the
15 Chairman would be satisfied with that.

16 CHAIRPERSON GRULLON: That's exactly what
17 I'm looking for.

18 MR. PEREIRAS: We -- we would be happy to
19 comply.

20 MS. PEREIRAS: Right.

21 And -- and if I may?

22 I do point out in my notice that the one
23 commercial unit would remain and the two
24 residential units on each floor above will also
25 remain.

1 CHAIRPERSON GRULLON: Yes.

2 MS. PEREIRAS: I tried to be as clear as
3 possible on my notice in regards to that.

4 MR. PANEQUE: Okay.

5 CHAIRPERSON GRULLON: Thank you, Ms.
6 Pereiras.

7 MR. PANEQUE: So you want to have this
8 matter carried to the --

9 MS. PEREIRAS: I -- I don't think we have
10 much of a choice. I'll -- we can have it
11 carried.

12 I'll speak to the powers in the Building
13 Department and see if we can get some additional
14 clarification because it really purely looks like
15 an error.

16 I'm hoping it's as simple as -- as
17 correcting it that way. I may reach out to Mr.
18 Paneque again for assistance there, but we'll do
19 the best we can.

20 CHAIRPERSON GRULLON: Thank you, Ms.
21 Pereiras.

22 MR. PANEQUE: Mr. Vallejo?

23 THE SECRETARY: Okay.

24 Can I have a --

25 September 9th.

1 MR. PANEQUE: September 9th.

2 CHAIRPERSON GRULLON: And not August?

3 MR. PANEQUE: No, August there's no
4 meeting.

5 CHAIRPERSON GRULLON: Then I make a motion
6 to carry this application to the next meeting on
7 September 9.

8 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

9 THE SECRETARY: Motion to carry this
10 application to September 9th by Mr. Grullon,
11 seconded by Ms. Gutierrez.

12 Roll call on the motion.

13 Mr. Grullon?

14 CHAIRPERSON GRULLON: Yes.

15 THE SECRETARY: Ms. Gutierrez?

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Garcia?

18 MR. GARCIA: Yes.

19 THE SECRETARY: Mr. Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Ms. Perez?

22 MS. PEREZ: Yes.

23 THE SECRETARY: Five in favor.

24 Motion carries.

25 MR. PEREIRAS: Thank you everyone.

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

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1 **806 13th Street UC, LLC -**

2 **806 13th Street:**

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4 THE SECRETARY: Next application on
5 tonight's agenda 806 13th Street.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Thank you.

8 THE SECRETARY: They're going to withdraw.

9 MS. PEREIRAS: Bianca Pereiras on behalf of
10 the applicant for 806 13th Street, LLC.

11 I won't take up too much of your time.

12 Originally our application was to convert
13 one family to two. The Building Department
14 records have come back and they recognize this
15 building as already two units, so there's no need
16 to seek approval before this Board.

17 As such, we are respectfully withdrawing
18 that application. Easy.

19 CHAIRPERSON GRULLON: Motion to withdraw.
20 That's easy.

21 Thank you.

22 MS. PEREIRAS: That's a good one.

23 THE SECRETARY: Thank you.

24 Okay. Two seconds now. Let me grab my --

25 MR. Alonso, okay.

1 Okay.

2 It's withdrawn.

3

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

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1 **Olvein Velez -**
2 **405 33rd Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda Olvein Velez, 405 33rd Street.

6 Mr. Alonso, please?

7 Oh, he step out. Just give it -- just give
8 it two minute break.

9

10 (Whereupon, the Board recessed from
11 6:47 p.m. to 6:48 p.m.)

12

13 MS. DILLON: Okay.

14 On the record.

15 THE SECRETARY: Again, Olvein Velez, 405
16 33rd Street.

17 Mr. Alonso, please?

18 MR. ALONSO: Thank you.

19 Mr. Chairman, members of the Board, for the
20 record, Alvaro Alonso on behalf of the applicant.
21 I'm providing counsel with my proof -- notices of
22 publication.

23 MR. PANEQUE: Thank you, sir.

24 For the record, I've been provided by Mr.
25 Alonso with an affidavit indicating that notice

1 of tonight's hearing was sent out to all property
2 owners within the 200 foot radius of the property
3 located at 405 33rd Street on June 26th, 2021.

4 I've also been provided with a copy of the
5 affidavit of publication, an affidavit from The
6 Jersey Journal indicating that notice was
7 published in The Jersey Journal giving notice of
8 tonight's hearing at this location with respect
9 to the property at 405 33rd Street. Said notice
10 was published on June 26, 2021.

11 I've also been provided with a copy of the
12 notice that went out to all property owners.

13 I've also been provided with the tax list
14 from the Union City Tax Assessor's Office listing
15 all property owners within the 200 foot radius of
16 405 33rd Street. That tax list has a date of
17 June 15th, 2021.

18 Based on the information that has been --
19 oh, strike that.

20 I've also been provided with the certified
21 mail receipts with a postmark date of June 26th
22 for notices that went out to all property owners.

23 Based on the information that has been
24 provided by Mr. Alonso, this Board has
25 jurisdiction to proceed and hear this matter.

1 MR. ALONSO: Thank you very much, Mr.
2 Paneque.

3 Members of the Board, this application has
4 two parts to it. The first part is an appeal of
5 the determination by the Building Department. If
6 successful, then that should resolve the issue.
7 If the Board were to deny that request, then I
8 would present Mr. Valella with respect to the
9 variances similar to legalize the seven units.

10 My client had purchased the property as a
11 seven-unit building. At all times it was seven
12 units. It was never a question; it was never an
13 issue. About two years ago, the Building
14 Department issued a violation for having an
15 illegal occupancy.

16 I filed an appeal with the Construction
17 Board of Appeals challenging that determination.
18 As part of that appeal, I submitted a number of
19 documents which I provided to Cory Benevides who
20 is the attorney representing the City of Union
21 City.

22 Mr. Benevides reviewed those documents.
23 And as a result, after reviewing it with the
24 Building Department, decided to withdraw the
25 violations provided that we just come to this

1 Board to get a formal declaration that it is
2 seven units.

3 So I'm going to provide counsel with those
4 documents for the record.

5 A-1 is a series of documents issued from
6 the -- the Department of Community Affairs in --
7 in Union City, sorry, Community Development
8 Agency from 1998 reflecting seven units.

9 A-2 is the taxes dating back to 1996
10 reflecting seven units.

11 A-3 is a package from the Department of
12 Community Affairs dating back into the '90s also
13 reflecting the units as seven units inspected and
14 approved.

15 A-4 are actual building permits that were
16 issued dating back to 1996 reflecting seven units
17 from the Building Department.

18 And then, finally, A-5 is a letter from Mr.
19 Benevides dated October 29, 2020, confirming that
20 the violations were being withdrawn provided that
21 we come to this Board for a formal declaration
22 because they were satisfied with the proofs.

23

24 (Whereupon, Union City Community
25 Development Agency documents, were received and

1 marked as Exhibit A-1.)

2

3 (Whereupon, Tax records dating to 1996 were
4 received and marked as Exhibit A-2.)

5

6 (Whereupon, Package from Department of
7 Community Affairs was received marked as Exhibit
8 A-3.)

9

10 (Whereupon, Building Permits dating to 1996
11 were received and marked as Exhibit A-4.)

12

13 (Whereupon, Letter from Cory Benevides,
14 Esq. dated 10/29/20, was received and marked as
15 Exhibit A-5.)

16

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

19

20 MR. PANEQUE: Mr. Alonso, I've had an
21 opportunity along with the Chairman to go through
22 these documents. And my legal opinion is that
23 these documents do not substantiate the legality
24 of this apartment. And I'll -- I'll face it on
25 the record as to why.

1 A-1 which is the CCO. The CCO is a
2 certificate of continued occupancy. In order to
3 have a certificate of a continued occupancy,
4 there has to be a certificate of occupancy, so
5 that you can follow with a continued certificate
6 of occupancy.

7 Now, these -- these certificate -- these
8 CCOs, my understanding is that they're triggered
9 by either a tenant moving or the owner coming in
10 and applying for them. And they're provided
11 based on the information that the landlord gives
12 to the Building Department. So they're -- by
13 themselves do not establish the legality of that
14 unit. They just establish that the owner is
15 applying to continue using that unit.

16 The -- A-2 which you have here which is the
17 --

18 MR. ALONSO: Taxes.

19 MR. PANEQUE: -- taxes which I believe you
20 indicated that they show seven units?

21 MR. ALONSO: Right, on the --

22 MR. PANEQUE: Yeah, I see it.

23 MR. ALONSO: If I -- if I may approach?

24 On the part of the package -- it's a
25 complete package. There's more to that. No?

1 Well, it was part of the package that was
2 submitted.

3 MR. PANEQUE: See added one unit.

4 MR. ALONSO: No, no, I understand. It was
5 -- it was part of a -- of a package here. I
6 don't know where -- where it is now.

7 MR. PANEQUE: All right.

8 Well, this Board and this -- the City has
9 always had a long-standing view that the Tax
10 Assessor's Office comes out and they assess based
11 on what they see. So when they see seven units,
12 they'll assess you for seven units. The fact
13 that they're assessing and -- and charging taxes
14 for the number of units that they see does not
15 legalize that apartment. So that's my opinion on
16 A-2.

17 With respect to A-3.

18 A-3 which is the DCA, Department of
19 Community Affairs, Division of Housing
20 Inspections, inspection as well as green card, as
21 whatever is written down on the yellow card which
22 is the certificate of registration is what the
23 DCA will inspect and they will issue this paper.
24 That, in itself, is not a legality of that
25 seventh unit.

1 A-4.

2 These permits appear to have been issued in
3 1996 for work that was done in that unit. But
4 then, again, there is no C of O for that unit.

5 And, A-5 is the letter from Chasan
6 Lamparello's office where they withdraw their
7 application giving you direction to come before
8 this Board and either apply for a finding that
9 the apartment is legal from this Board or a
10 variance.

11 In order for this Board to find that this
12 unit is legal, we would need to see a C of O. In
13 light of the fact that we have the 1973 tax
14 assessment that clearly shows that there were two
15 units on each of the floors, so we're basing the
16 Building Department's determination that this
17 building was six units when they did the 1973
18 reassessment. And that from 1973 going forward,
19 there's been no proof as to when this unit came
20 into existence and the fact that it was legalized
21 by the Building Department.

22 So the request for a legal determination
23 from this Board, my advice is that it cannot be
24 granted by this Board based on the proofs that
25 have been submitted. And I would suggest that we

1 | proceed then to the second facet which is to have
2 | this Board determine whether the variances should
3 | be granted to legalize the unit as a seventh
4 | unit.

5 | MR. ALONSO: That -- that's fine.

6 | MR. PANEQUE: Okay.

7 | MR. ALONSO: And I think that the Building
8 | Department had issued the permits on the -- on
9 | the basement apartment. But I'll accept the --
10 | the Board's determination on the -- on that
11 | portion of the application.

12 | That will also be part of the proofs that
13 | we would ask the Board to consider in an overall
14 | context of the application after you hear Mr.
15 | Valella's testimony.

16 | MR. PANEQUE: Yes. And I will agree that
17 | the Board can take into consideration the fact,
18 | based on what's been submitted, that for at least
19 | since 1996 which puts us at what, close to 30
20 | years or 25 years? I can't do math.

21 | CHAIRPERSON GRULLLON: Twenty-five.

22 | MR. ALONSO: We're getting old.

23 | MR. PANEQUE: Twenty-five years.

24 | MR. ALONSO: We're getting old, Mr.
25 | Paneque.

1 MS. DILLON: Twenty-five years.

2 VICE CHAIRPERSON GUTIERREZ: Twenty-five.

3 MR. PANEQUE: Close to 25 years, this unit
4 has been there. We just can't make the nexus of
5 when it was legalized.

6 MR. ALONSO: Very well.

7 MR. PANEQUE: And that's something that the
8 Board will have to take up tonight.

9 MR. ALONSO: With that said, I'm going to
10 have Mr. Valella sworn in.

11 MS. DILLON: Please raise your right hand.

12 Do you affirm the testimony you're about to
13 give is the whole truth?

14 MR. VALELLA: I do.

15 MS. DILLON: Please state your name for the
16 record.

17 MR. VALLEJO: Yes, I'd be happy to.

18 Good evening.

19 My name is Orestes Valella, V-A-L-E-L-L-A.

20 I'm am licensed architect in the State of
21 New Jersey. And my professional offices are at
22 507 43rd Street in Union City.

23 MR. ALONSO: Thank you.

24 Mr. Chairman, Mr. Valella has appeared and
25 been qualified before this Board in the past. I

1 would ask that his qualifications be continued.

2 CHAIRPERSON GRULLON: Yes, it's our
3 pleasure to have you back.

4 MR. VALELLA: Thank you.

5 CHAIRPERSON GRULLON: I accept your
6 qualifications, Mr. Valella.

7 MR. VALELLA: Thank you.

8 MR. ALONSO: Thank you.

9 Mr. Valella, you heard my overall
10 presentation to the Board with respect to the
11 basement apartment -- we're seeking to legalize
12 that as a seven unit.

13 MR. VALELLA: Yes.

14 MR. ALONSO: So I'm going to ask you to
15 review the plans with the Board at this time.

16 MR. VALELLA: Be happy to.

17 This property is in a very good condition,
18 by the way. We, as part of our inspections, so
19 that we can draw -- make our drawings, we visit
20 each property. And this one is very well
21 maintained, both, inside and out.

22 It is on a 25 by 100 property facing 33rd
23 Street between New York Avenue and Bergenline
24 Avenue. It is Block 27, Lot 470.

25 It's a three-story-wood-frame structure.

1 And it has two units per floor, front to back.

2 And then the sixth (sic) unit in question
3 is in the basement.

4 On page V-2 of our drawings, you can see
5 the layouts. And I'll work my way down to our
6 unit.

7 The second and third floor are identical.
8 There's two units per. The units are 566.
9 They're two-bedroom units with the living room.
10 So it's the street. And then in the -- in middle
11 portion are the two bedrooms. The eat-in kitchen
12 is in the rear with the bathroom. And it's a
13 very tradition dwell -- you know, housing type in
14 -- in all of Hudson County. We call them
15 railroads, but they're -- they're quite
16 traditional. And they're in very good condition.

17 You know, we go into some of these and
18 we're not so happy. With this one we're very
19 happy. It's, obviously, there's pride of
20 ownership here.

21 On the ground floor, likewise, the only
22 difference is that the -- in the middle there is
23 the entrance that gives access to the building.
24 The two units -- these are 560 and 581, identical
25 layouts. So, we have six two-bedroom units. And

1 | they are very well taken care as I've said
2 | before.

3 | The basement has the unit in question in
4 | the rear. It is a studio apartment. It has a --
5 | it's 285 square feet. It has a seven foot
6 | ceiling height. It has windows. It has four
7 | windows, actually, two in the living area, one in
8 | the kitchen, and one in the bathroom.

9 | The unit has three main access points or in
10 | an emergency mode through egress points. You can
11 | enter it from -- you can exit it from -- to the
12 | street from 33rd Street. You can come down from
13 | the ground floor, the internal stair or you can
14 | go out to the rear yard from the -- an existing
15 | steps and hatch in that location.

16 | There is no -- there's mechanical and
17 | storage spaces elsewhere in the basement, but
18 | nothing else.

19 | Frankly, and the paperwork bears fact in
20 | the actual structure. This is not something that
21 | was built yesterday. This has been there for
22 | decades, although, you know, no complaints from
23 | my part.

24 | The -- I recommend approval. I don't see
25 | really anything wrong with it. There are

1 additional inspections that we would undertake
2 should you grant an approval meaning life safety,
3 fire rating, and things like that. But your
4 Building Department then spears the way to make
5 -- to make sure these things are all compliant
6 with Code. We are not -- there is no need to do
7 any work here. This one is just fine.

8 It is in the CN Neighborhood. It's
9 existing six. We're asking for a seventh unit.

10 The lot area required would be 2500. It is
11 2500.

12 The lot width would be 25. It is 25.

13 The lot depth would be a hundred. It is a
14 hundred.

15 Front yard, there is no requirement. Our
16 building has 3.33 feet.

17 Side yards are zero or 5 feet if provided.
18 We're at 0. -- .07 and .14 feet, so we're right
19 at the property line like we should with this
20 kind of housing type.

21 The rear yard requirement would be 20 feet.
22 We're at 29.84.

23 The maximum height would be four stories
24 and 45 feet. We have a three-story structure at
25 30 feet.

1 The permitted building coverage is 80
2 percent and we're at 60 -- 60.5 percent. So
3 we're actually under on our building coverage.

4 The permitted lot coverage would be a
5 hundred and we're at 69. Again, we're well
6 under.

7 The density would be three units per
8 building. We are at six units and we're
9 requesting the seventh.

10 Parking for the units would be 14 spaces.
11 And this building has never had parking. There
12 is no opportunity to provide parking because of
13 the proximity to the street. So, again, that's
14 an existing condition.

15 Really, frankly, on the outside, no change
16 will, hopefully, occur. On the inside, very
17 little needs doing; save for perhaps some light
18 fixtures and fire rating of the ceiling, things
19 like that. But in overall, I can -- I can
20 provide you with my opinion that this is a well-
21 cared for structure and there would be no
22 increasing of any of the -- or the variances that
23 are before you.

24 CHAIRPERSON GRULLON: Mr. Valella, you say
25 that you got the opportunity to visit the --

1 MR. VALELLA: My office did, yes.

2 CHAIRPERSON GRULLON: Okay.

3 Did they give you -- the unit in question
4 -- were they able to visit that unit --

5 MR. VALELLA: Yes.

6 CHAIRPERSON GRULLON: -- and check the
7 condition, you know, the appliances there?

8 MR. VALELLA: Yes. They can -- the unit is
9 in very good condition. It is not something that
10 has been recently built. It's been there for
11 decades, well maintained.

12 CHAIRPERSON GRULLON: What about the size
13 of the windows, do they have -- do they comply
14 with codes?

15 MR. VALELLA: Yes, we -- we have the sizes
16 of the windows. I'll give those to you now and
17 I'll -- and I'll answer that question as well.

18 The windows are -- there's two windows in
19 the living area. One is 4.3 square feet in area,
20 the other one is 7.2 square feet in area. Then
21 we have additional windows in the rear, but I
22 won't even talk about those. Those windows
23 provide sufficient area for fireman's access.

24 CHAIRPERSON GRULLON: Is -- is the unit
25 occupied now?

1 MR. VALELLA: I don't know. I don't --

2 MR. ALONSO: I believe -- I believe it is.
3 It was when we first started the application
4 which was quite some time ago.

5 CHAIRPERSON GRULLON: And you -- you
6 testified that you -- there's no work to be done
7 in the -- that building at all?

8 MR. VALELLA: No. Well, there's no work in
9 terms of making it bigger, changing it or
10 anything.

11 The Building Department will require us to
12 certify that the ceiling has the appropriate fire
13 rating. If it's not, then a second layer of
14 Sheetrock, smoke detectors, the outlets need arc
15 fault. But from a zoning standpoint, from a
16 quality of life, nothing changes here.

17 CHAIRPERSON GRULLON: Okay.

18 I don't have anything further.

19 Any member of the Board?

20 Any member of the Board have any questions?

21 MR. GARCIA: Does the owner live in the
22 building?

23 MR. ALONSO: Senor Velez?

24 (Whereupon, Mr. Alonso and Mr. Velez
25 conversed in Spanish.)

1 MR. ALONSO: All right.

2 Mr. Velez lives next door. This is the
3 owner, Mr. Velez.

4 (Whereupon, Mr. Alonso and Mr. Velez
5 conversed in Spanish.)

6 MR. ALONSO: My -- my client lived in the
7 building for 19 years.

8 CHAIRPERSON GRULLON: Debbie, do you have
9 to swear him?

10 Do we have -- we need to swear him in?

11 MR. PANEQUE: Yes, if he's going to
12 testify.

13 CHAIRPERSON GRULLON: Yes.

14 MS. DILLON: Does he speak English?

15 MR. VALELLA: No, he doesn't. Do you want
16 me to --

17 MS. DILLON: Okay.

18 Who's going to interpret then?

19 MR. ALONSO: Do you want Orestes to
20 interpret? You want -- you want Orestes to
21 interpret?

22 MR. PANEQUE: No, I'll -- I'll do it.

23 MR. ALONSO: You'll do it. Okay.

24 MR. PANEQUE: Yes.

25 MS. DILLON: Okay.

1 Sir --

2 MR. VELEZ: Okay.

3 MS. DILLON: You can go right over there.

4 MR. VELEZ: Okay. Okay.

5

6 (Whereupon, Tomas R. Paneque, Esq.

7 translated for Olvein Velez.)

8

9 MS. DILLON: Do you affirm that the
10 testimony you're about to give this Board is the
11 whole truth?

12 MR. PANEQUE: FOR MR. VELEZ: Correct.

13 MS. DILLON: His name for the record?

14 MR. ALONSO: I have to interpret what
15 you're saying.

16 MR. VELEZ: Olvein Velez.

17 MR. ALONSO: Olvein Velez.

18 MR. PANEQUE: You want to interpret? You
19 could go ahead because he's -- I -- I believe
20 he's having a hearing problem.

21 MR. ALONSO: Yes.

22 VICE CHAIRPERSON GUTIERREZ: Yeah, he has
23 some problem hearing.

24 MR. PANEQUE: Okay. You could do it, Al.

25 MR. ALONSO: Okay.

1

2 (Whereupon, J. Alvaro Alonso, Esq.
3 translated for Olvein Velez.)

4

5 MR. PANEQUE: Go ahead.

6 MR. ALONSO: Do you have a question? I'm
7 sorry.

8 MS. DILLON: Name for the record.

9 MR. VELEZ: Olvein.

10 THE SECRETARY: It's O-L-V-E-I-N.

11 MS. DILLON: Thank you.

12 THE SECRETARY: Velez.

13 MS. DILLON: Yup.

14 CHAIRPERSON GRULLON: Okay.

15 Mr. Velez --

16 You want to translate the question or no?

17 MR. PANEQUE: No, Mr. Alonso is going to do
18 it.

19 CHAIRPERSON GRULLON: The question was if
20 he lives in the property?

21 MR. ALONSO FOR MR. VELEZ: He used to live
22 in 405 which is this property for 19 years and
23 now he lives in 415 which he also owns.

24 MR. VALELLA: And, also, Al, if you could
25 ask him if there's anybody living there now.

1 MR. ALONSO: Okay.

2 (Whereupon, Mr. Alonso and Mr. Velez
3 conversed in Spanish.)

4 MR. ALONSO FOR MR. VELEZ: Okay.

5 Yes, the cousin of his wife.

6 CHAIRPERSON GRULLON: Family member.

7 MR. ALONSO for MR. VELEZ: Family member.

8 CHAIRPERSON GRULLON: Okay, that's fair.

9 Any other questions?

10 Thank you, Mr. Velez.

11 MR. VELEZ: Gracias.

12 MR. PANEQUE: This is just for the record
13 and -- and the edification of the Board members.

14 The Department of Community Affairs,
15 Division of Housing Inspections conducted an
16 inspection which Mr. Alonso has provided to me in
17 2004, specifically, June 17th, 2004. In that
18 inspection, this unit was inspected and it was
19 found to have no violations.

20 So at least for 17 years, the unit has been
21 in existence there and in 2004 did not have any
22 violations which is one of the questions that was
23 raised by the Chairman.

24 CHAIRPERSON GRULLON: Yeah.

25 No other member of the Board.

1 At this point, I want to open it to the
2 public.

3 Any member of the public want to step
4 forward?

5 We are now closed to the public.

6 Taking in consideration that counsel
7 provide us with sufficient information to confirm
8 that this -- that this unit has been there for a
9 couple of decades and also that it's being
10 occupied by a -- by the same family for many
11 years, I make a motion to grant this application
12 to convert the six -- the application for six
13 family to six (sic) family building -- to seven
14 family building.

15 THE SECRETARY: Motion on the table to
16 grant the application by Mr. Gullon.

17 VICE CHAIRPERSON GUTIERREZ: Second it.

18 THE SECRETARY: Seconded by Ms. Gutierrez.

19 Roll call on the motion.

20 Mr. Gullon?

21 CHAIRPERSON GRULLON: Yes.

22 THE SECRETARY: Ms. Gutierrez?

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Garcia?

25 MR. GARCIA: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Ms. Perez?

4 MS. PEREZ: Yes.

5 THE SECRETARY: Five in favor.

6 Motion carries.

7 MR. VALELLA: Thank you.

8

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

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1 **Iglesia Pentecostal Arca de Dios -**
2 **2000 West Street:**

3

4 THE SECRETARY: The next application on
5 tonight's agenda Iglesia Pentecostal Arca de
6 Dios, 2000 West Street.

7 Mr. Alonso, please?

8 MR. ALONSO: Good evening, Mr. Chairman,
9 members of the Board.

10 For the record, Alvaro Alonso on behalf of
11 the applicant.

12 I'm providing counsel with my proof of
13 publication and notices for jurisdictional
14 purposes.

15 MR. PANEQUE: Thank you, sir.

16 For the record, I've been provided by Mr.
17 Alonso with an affidavit indicating that notice
18 of tonight's hearing was sent to all property
19 owners within the 200-foot radius of 2000 West
20 Street.

21 I've also been provided with an affidavit
22 of publication from The Jersey Journal indicating
23 that notice of tonight's hearing at this location
24 with respect to the property at 2000 West Street
25 was provided and given on June 26, 2021.

1 I've also been provided with a copy of the
2 notice that went out to all property owners
3 within the 200 foot radius, as well as the list
4 from the Tax Assessor's Office, all properties
5 within the 200 foot radius of 2000 West Street
6 with a date of June 23rd, 2021.

7 The last thing I've been provided with is
8 the certified mail receipts which have a postmark
9 date of June 26th.

10 Based on the information provided, this
11 Board has jurisdiction to proceed and hear this
12 matter.

13 MR. ALONSO: Thank you very much.

14 Members of the Board, by way of overview,
15 this is an application for the use as a house of
16 worship at 2000 West Street.

17 This Board approved such an application and
18 memorialized a Resolution back on September 14th,
19 2017. I have a copy of the resolution if you
20 would like it. If not, then I'll just hold onto
21 it. But that -- that was a different applicant.
22 The applicant never proceeded to use the space.
23 And now my client wants to use the same space for
24 the same use. That has expired. The approvals
25 have expired, so we're back before this Board.

1 So I need Albert; I guess Albert's outside,
2 my architect.

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

5 MR. ALONSO: You just like to make an
6 entrance, don't you?

7 MR. ARENCIBIA: Excuse me?

8 Hello, everybody.

9 My apologies.

10 MR. ALONSO: So I need Mr. Arencibia to be
11 sworn in.

12 MS. DILLON: Certainly.

13 Please raise your right hand.

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

16 MR. ARENCIBIA: I do.

17 MS. DILLON: Please state your name for the
18 record.

19 MR. ARENCIBIA: Albert Arencibia.

20 MS. DILLON: Thank you.

21 MR. ALONSO: Mr. Chairman, Mr. Arencibia
22 has been before this Board in the past and I
23 would ask that his qualifications be accepted.

24 CHAIRPERSON GRULLON: We accept your
25 qualifications Mr. Arencibia.

1 Welcome back to the Board.

2 MR. ALONSO: Thank you.

3 MR. ARENCIBIA: Thank you very much.

4 I'm still active. So far.

5 MR. ALONSO: Mr. Arencibia, I -- I reviewed
6 with the Board that this -- this use as a house
7 of worship was previously approved by the Board
8 in 2017 by a different applicant. And those
9 approvals have expired because it was never
10 actually used. It's our intention to come back
11 with a new client, a new applicant for the same
12 use.

13 MR. ARENCIBIA: That's correct.

14 MR. ALONSO: It's a smaller, less intense
15 use than it was before, but, nevertheless, it's
16 the same type of use which is a house of worship.

17 MR. ARENCIBIA: That is correct.

18 MR. ALONSO: So I'm going to ask you to
19 please review the plans with the Board.

20 MR. ARENCIBIA: Okay.

21 Yes, I mean, this basically the project
22 consists of a tenant space, basically, inside an
23 existing building already. The demising wall is
24 already in place. So, basically, our client
25 basically is just going to go into the space,

1 finish off the ceiling, put in some air
2 conditioning units inside the space there, finish
3 off the finishes. So, as far as the actual
4 construction and space, it's really nothing.

5 It's access off of a center corridor that's
6 already existing in the building, a rated
7 corridor. And it's connected to two -- two exits
8 already in the building itself.

9 Again, so base -- this is the whole
10 footprint of the building.

11 MS. DILLON: Excuse me, Al?

12 MR. ARENCIBIA: Yes.

13 MS. DILLON: Just can you stand it behind
14 the microphone?

15 MR. ARENCIBIA: I can, yes.

16 MS. DILLON: Okay.

17 Thank you.

18 MR. ARENCIBIA: So this the existing
19 footprint of the building. And the air -- the
20 building has different tenants already in the
21 spaces. And this is the area that our client is
22 proposing and using. It's roughly 1,500 square
23 feet. It's an occupant load of less than 49.
24 And, basically, it's just a matter, like, having
25 this use allowed into the premises here.

1 This is a conditional use that's approved
2 in this area. It's a business use. However, we
3 -- I discussed it with Mr. Spatz and he said that
4 we should come to the Board just to get
5 clarification and make sure that the Board was
6 okay with us submitting the plans and be able to
7 put the tenant in the space.

8 It's very straight forward and there's
9 really not much more than that.

10 CHAIRPERSON GRULLON: Mr. Alonso, the
11 application in front of us is just to -- is to
12 amend what we have approved before or this is --

13 MR. ALONSO: No, no. Those approvals have
14 expired.

15 CHAIRPERSON GRULLON: Okay.

16 MR. ALONSO: So there are no approvals to
17 amend. So this is a new application by a new
18 client, new applicant.

19 It is smaller in size than what was
20 previously approved. But I just said that by way
21 of history for the Board, just so that you know
22 this was considered in the past for a house of
23 worship, approved, not moved on by the applicant,
24 and we're back before this Board again.

25 CHAIRPERSON GRULLON: Okay. I see.

1 Only the highlight portion is what's --
2 what they proposing to occupy, no?

3 MR. ARENCIBIA: That's correct.

4 CHAIRPERSON GRULLON: Just the highlight
5 portion?

6 MR. ARENCIBIA: That's correct.

7 CHAIRPERSON GRULLON: And it's going to be
8 like a chair type, you know, in that -- in that
9 -- that workmanship, it's going to be like a
10 chair?

11 MR. ARENCIBIA: It's -- yes, it's an open
12 space going to be basically carpeted. So they'll
13 have chairs there. They'll set up the platform.

14 CHAIRPERSON GRULLON: Yes.

15 MR. ARENCIBIA: They'll be doing prayers
16 there. But that's the use of that space.
17 There's no bathrooms or anything you have to
18 build because the building already has bathrooms,
19 so they're sharing the bathroom facilities with
20 the building itself.

21 CHAIRPERSON GRULLON: And --

22 MR. ARENCIBIA: So, it's just the space of
23 the use was, again, the wall is already there,
24 the door is already there, everything is already
25 there.

1 CHAIRPERSON GRULLON: Do you have the
2 tenant here?

3 MR. ALONSO: Yes.

4 CHAIRPERSON GRULLON: I just want to know
5 more or less the hours of operation and, you know
6 --

7 MR. ALONSO: Absolutely.

8 MR. ARENCIBIA: Okay.

9 MS. DILLON: Right in front of that mic.

10 Sir, please raise your right hand.

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

13 MR. DELEON: That's correct.

14 MS. DILLON: And can you state your name
15 and spell it for the record?

16 MR. DELEON: Alexis DeLeon.

17 MS. DILLON: I'm sorry?

18 MR. DELEON: Alexis DeLeon.

19 MS. DILLON: Spell for me.

20 MR. DELEON: A-L-E-X-I-S, last name D-E-L-
21 E-O-N.

22 MS. DILLON: Thank you, sir.

23 Just keep your voice up.

24 CHAIRPERSON GRULLON: Mr. DeLeon, my
25 question is could you describe more or less

1 | what's going to happen there, you know, like hour
2 | of operation and --

3 | MR. DELEON: Yes.

4 | CHAIRPERSON GRULLON: -- the congregation
5 | if it's going to come in one vehicle; it's going
6 | to come from the neighborhood? Could you please
7 | describe a little bit for -- for the Board?

8 | MR. DELEON: Yes, that's correct.

9 | So we plan to have services three days out
10 | of the week. Monday is Bible study, Wednesday
11 | worship and prayer, and on Sunday worship. So
12 | during the week on Monday and Wednesday it's from
13 | 6 to 8:30 and on Sunday from 1 to 3:30.

14 | And my congregants which are here tonight,
15 | they're walking distance from the neighborhood.
16 | And we also provide transportation. So as far as
17 | getting back into the house of worship, they will
18 | have transportation. And, like I said, some of
19 | them will also be walking to the location.

20 | MR. ALONSO: Did you also indicate to me
21 | that on Fridays you will have a children's
22 | worship?

23 | MR. DELEON: Yes. Yes, that's correct.

24 | MR. ALONSO: Bible study actually?

25 | MR. DELEON: Kids' bible study at 5 for one

1 hour, from 5 to 6 which the teacher is also here
2 tonight of the kids.

3 CHAIRPERSON GRULLON: Okay.

4 MR. DELEON: That's for Fridays.

5 Thank you.

6 CHAIRPERSON GRULLON: Thank you, Mr.
7 DeLeon.

8 Any other member of the Board has any
9 question?

10 VICE CHAIRPERSON GUTIERREZ: No.

11 CHAIRPERSON GRULLON: Thank you very much,
12 Mr. DeLeon.

13 MR. DELEON: Thank you.

14 CHAIRPERSON GRULLON: Thank you; that
15 clarifies my question.

16 Any other member of the Board, any
17 questions?

18 No, hearing none.

19 That -- does that conclude your testimony,
20 Mr. Alonso?

21 MR. ALONSO: Yes, it does Mr. Chairman.

22 CHAIRPERSON GRULLON: At this point, I just
23 want to open up -- open up to the public.

24 Any member of the public want to step
25 forward on this application?

1 Hear none.

2 Close to the public.

3 Considering that this is something
4 beneficial to the community that we just provide
5 bible study to the community and to the resident
6 of Union City and also childrens (sic), I make a
7 motion to grant the application.

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

10 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

11 THE SECRETARY: Seconded by Ms. Gutierrez.

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

14 Mr. Gullon?

15 CHAIRPERSON GRULLON: Yes.

16 THE SECRETARY: Ms. Gutierrez?

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 THE SECRETARY: Mr. Garcia?

19 MR. GARCIA: Yes.

20 THE SECRETARY: Mr. Ortiz?

21 MR. ORTIZ: Yes.

22 THE SECRETARY: Ms. Perez?

23 MS. PEREZ: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

1 Congratulations.

2 MR. ALONSO: Thank you very much.

3 MR. ARENCIBIA: Thank you very much
4 everybody.

5 Great to see you all again.

6 VICE CHAIRPERSON GUTIERREZ: You're
7 welcome.

8

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

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1 **DDIS Union City, LLC -**

2 **717 Bergenline Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda DDIS Union City, LLC, 717
6 Bergenline Avenue.

7 Mr. Alonso, please?

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

10 MR. PANEQUE: For the record, I've been
11 provided by Mr. Alonso with an affidavit of
12 publication indicating that notice of tonight's
13 hearing with respect to the property at 717
14 Bergenline Avenue went out to all property owners
15 within the 200 foot radius.

16 I've also been provided with an affidavit
17 from The Jersey Journal indicating that notice of
18 tonight's hearing at this location was given with
19 respect to the property at 717 Bergenline Avenue.
20 Said notice was published in The Jersey Journal
21 on June 26th, 2021.

22 I've also been provided with a copy of the
23 notice that went out giving notice of this
24 application at this location as well as a list of
25 property owners given by the Union City Tax

1 Assessor's Office listing all property owners
2 within the 200 foot radius of 717 Bergenline
3 Avenue. Said list is dated June 15th, 2021.

4 And, finally, the certified mail receipts
5 with a postmark date of June 26th, 2021.

6 Based on the information provided, this
7 Board has jurisdiction to proceed and hear this
8 matter.

9 MR. ALONSO: Thank you very much.

10 For the record, Alvaro Alonso on behalf of
11 the applicant.

12 This is an application as indicated by Mr.

13 --

14 MR. PEREIRAS: Paneque.

15 MR. ALONSO: -- Paneque --

16 Sorry. I know him since high school.

17 -- this is an application to legalize an
18 existing --

19 MR. PANEQUE: By the way, that -- that was
20 called -- that was called a senior moment.

21 MR. ALONSO: Yes it was. Before when you
22 tried to do the calculations from 1996, I'm like
23 whoa.

24 -- to legalize an existing apartment to
25 create a mixed-use building with a commercial

1 unit and four residential units.

2 My witness this evening is Manny Pereiras.
3 He is the architect on this application as well
4 as prior applications that were with respect to
5 this same property.

6 This Board had previously approved a -- a,
7 I think, a slightly different application that
8 went up on appeal by Mr. Price. Rather than
9 litigating it, it came back. It was denied and
10 now we're back here again.

11 Mr. Pereiras has more of the history of
12 about it. I was not the original attorney on
13 this application.

14 So with that said, I would have Mr.
15 Pereiras -- oh, you were sworn in earlier --

16 MR. PEREIRAS: I was sworn in.

17 MR. ALONSO: -- and qualified.

18 MR. PEREIRAS: I recognize I am still under
19 oath.

20 MR. ALONSO: And I would ask him just to
21 review the application with the -- with the
22 Board.

23 CHAIRPERSON GRULLON: You may proceed.

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

25 Counsel started explaining it correctly.

1 The first time we came before this Board
2 was quite a few years ago. And this Board
3 approved five residential units and one
4 commercial at this location. It was appealed by
5 Mr. Price. The appeal wasn't pursued by the
6 applicant. He came back before this Board and
7 tried a different approach. And he brought
8 witnesses, several witnesses. I believe there
9 were four who testified explaining that they knew
10 this building for many years that predated the
11 ordinance. And this Board approved it then as
12 well which was, again, appealed by Mr. Price.

13 And, therefore, we are here again, third
14 time before this Board. And what we're seeking
15 to do is actually reducing the expanse of our
16 proposal. Instead of legalizing five residential
17 units, we are going to -- we're requesting that
18 this Board legalize one.

19 The building -- the Building Department
20 recognizes three units as residential and one
21 unit as commercial. So we're requesting that
22 this Board recognize one additional unit, so that
23 we'll have at the end of this application four
24 residential units and one commercial.

25 And I'll describe that in the floor plan.

1 The drawings that were submitted to the
2 Board are the same drawings that are here on the
3 easel to my left.

4 MR. PANEQUE: Mr. Pereiras, I'm sorry to
5 interrupt, but let's just get a point of
6 clarification, and Mr. Alonso.

7 I have a memo from the Building Department
8 which indicates that this property is recognized
9 as a two-unit commercial structure. Where do we
10 stand on that because that's not what you just
11 testified to?

12 MR. PEREIRAS: So repeatedly in -- in the
13 past two applications and the memos from the
14 Building Department have repeatedly said that it
15 was three residential, one commercial. And --
16 and there have been previous memos exactly to
17 that.

18 MR. PANEQUE: Do you have those?

19 MR. ALONSO: I don't know. I was not the
20 -- the attorney on the prior applications.

21 MR. PANEQUE: Yeah. I mean you want to
22 take a look at this?

23 MR. ALONSO: I'll take a look at it. I
24 haven't --

25 MR. PANEQUE: I don't -- yeah.

1 If we're going off your testimony then, it
2 contradicts what the Building Department is
3 telling us. If you have a memo that contradicts
4 this, then --

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

7 MR. ALONSO: Mr. Paneque, if I could have
8 just one second?

9 MR. PANEQUE: Yeah.

10 MS. DILLON: Do you want to go off the
11 record?

12 MR. PANEQUE: Off the record, please.

13 CHAIRPERSON GRULLON: Off the record.

14

15 (Off the Record at 7:32 p.m.)

16 (On the Record at 7:38 p.m.)

17

18 MS. DILLON: On the record.

19 MR. PANEQUE: Mr. Alonso, we had a sidebar
20 conversation off the record in which we discussed
21 the discrepancy between the testimony that Mr.
22 Pereiras, your expert, started with during his
23 application and what the Building Department --
24 Department memo is giving us.

25 Just so that we have it on the record, the

1 Building Department memo indicates that they
2 recognize this property as two units commercial
3 structure. Now, off the record you provided me
4 with a certificate of occupancy for at least one
5 residential unit which on itself contradicts the
6 Building Department's memo.

7 You also have the tax record which shows
8 that they are taxing it as residential as well as
9 commercial. So, that also contradicts.

10 I have to go back to the Building
11 Department and request that they clarify and
12 correct the memo, so that it should read three
13 units?

14 MR. PEREIRAS: Three residential, one
15 commercial.

16 MR. PANEQUE: And that's what's in
17 existence right now?

18 MR. PEREIRAS: What's in existence is more
19 residential.

20 MR. PANEQUE: Okay. But legally you're --

21 MR. PEREIRAS: Legally there are three.

22 MR. PANEQUE: -- saying it's three plus
23 one.

24 MR. PEREIRAS: Yes.

25 MR. PANEQUE: All right.

1 So if we get a memo from the Building
2 Department that recognizes three residential and
3 one commercial, then you can start your
4 application from that point asking what you're
5 asking the Board to legalize from that starting
6 point.

7 MR. PEREIRAS: That makes sense.

8 MR. PANEQUE: Okay.

9 MR. ALONSO: Very good.

10 MR. PANEQUE: So is your request to adjourn
11 this matter to the next meeting with no further
12 notices required?

13 MR. ALONSO: Yes, please.

14 MR. PANEQUE: All right.

15 THE SECRETARY: September 9th.

16 CHAIRPERSON GRULLON: Yeah. I make a
17 motion to carry this application to
18 September 9 meeting.

19 No notification required.

20 VICE CHAIRPERSON GUTIERREZ: And I'll
21 second it.

22 THE SECRETARY: Motion on the table to
23 adjourn this application for September 9th by Mr.
24 Grullon.

25 Seconded by Ms. Gutierrez.

1 Roll call on the motion.

2 Mr. Grullon?

3 CHAIRPERSON GRULLON: Yes.

4 THE SECRETARY: Ms. Gutierrez?

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Garcia?

7 MR. GARCIA: Yes.

8 THE SECRETARY: Mr. Ortiz?

9 MR. ORTIZ: Yes.

10 THE SECRETARY: Ms. Perez?

11 MS. PEREZ: Yes.

12 THE SECRETARY: Five in favor.

13 Motion carry -- carries.

14 No new notice required.

15 MR. ALONSO: Thank you very much.

16 Have a good evening.

17 Are all future meetings here? Or are you

18 guys going back?

19 MS. PEREZ: I like it here.

20 MR. PANEQUE: Mr. Vallejo are we continuing

21 our meetings at the high school?

22 CHAIRPERSON GRULLON: We like it better.

23 MS. PEREZ: Yeah, it's more space.

24 MR. PANEQUE: Yes.

25 VICE CHAIRPERSON GUTIERREZ: Yeah. For me,

1 yes.

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

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1 **ADOPTION OF RESOLUTIONS:**

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3 (1) 9799 Ventures, LLC. 1219 Bergenline Avenue.
4 Block 60.02. Lot 4. Applicant is requesting for
5 a 1 year extension. **Resolution was memorialized**
6 **on 05-09-2019. Approved**

7

8 THE SECRETARY: All right.

9 We are going to Resolution now. We have
10 two Resolution on tonight's agenda.

11 Resolution number 1.

12 9799 Ventures, LLC, 1219 Bergenline Avenue.

13 Is -- they're requesting one-year
14 extension.

15 Can I have a motion to memorialize this
16 Resolution, please?

17 CHAIRPERSON GRULLON: Motion to adopt the
18 Resolution.

19 VICE CHAIRPERSON GUTIERREZ: Second it.

20 THE SECRETARY: Motion by Mr. Grullon.

21 Seconded by Ms. Gutierrez.

22 Roll call on the motion.

23 Mr. Grullon?

24 CHAIRPERSON GRULLON: Yes.

25 THE SECRETARY: Ms. Gutierrez?

1 VICE CHAIRPERSON GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Garcia?

3 MR. GARCIA: Yes.

4 THE SECRETARY: Mrs. Perez?

5 MS PEREZ: Yes.

6 THE SECRETARY: Four in favor.

7 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (2) Park Avenue Investment, LLC. 331 49th
4 Street. Block 280. Lot 31. Applicant seeks to
5 legalize two apartments for a total of four
6 units; one in the basement and a rear duplex
7 apartment. **Approved**

8

9 THE SECRETARY: Resolution number 2.

10 Park Avenue Investments, LLC, 331 49th
11 Street.

12 Okay.

13 May I have a motion to memorialize this
14 Resolution?

15 CHAIRPERSON GRULLON: Motion to adopt.

16 THE SECRETARY: Motion by Mr. Grullon.

17 VICE CHAIRPERSON GUTIERREZ: Second.

18 THE SECRETARY: Seconded by Ms. Gutierrez.

19 Roll call on the motion.

20 Mr. Grullon?

21 CHAIRPERSON GRULLON: Yes.

22 THE SECRETARY: Ms. Gutierrez?

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Garcia?

25 MR. GARCIA: Yes.

1 THE SECRETARY: Ms. Perez?

2 MS PEREZ: Yes.

3 THE SECRETARY: Four in favor.

4 Motion carries.

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1 **ADJOURNMENT:**

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

6 Motion by Mr. Ortiz.

7 Seconded by Ms. Gutierrez.

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 show that the meeting has
15 ended.

16 Thank you.

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18 (Whereupon, the proceedings were concluded
19 at 7:43 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, LISA KANE, assigned transcriber, do
6 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, July 8, 2021 and
10 digitally recorded.

11 *Lisa Kane*

12 Lisa Kane

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23 Monitored and Proofread by: Deborah Dillon

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