

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

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

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

Thursday, September 9, 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
MIGUEL ORTIZ
ROSIO PENA, Alternate No. 1
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4
MARGARITA GUTIERREZ, Vice Chairperson
VICTOR M. GRULLON, Chairperson

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

LIBERO MAROTTA

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:

EMILY J. WEINER, ESQ.,
Attorney for Applicant, 720 8th Street
Union City Urban Renewal Association, LP

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

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Hilda Perez and Alex Perez

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

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant, 510 Bergenline Avenue, LLC

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant, Lidia Camacho

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant,
Mesivta Sanz of Hudson County

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant, BB 6th Holdings, LLC

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2000 West Street

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510-514 Bergenline Avenue

WITNESSPAGE

Manuel J. Pereiras

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1 MS. DILLON: On the record.

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

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

10 Adequate notice of this meeting has been
11 provided as follows:

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

19 Also, in front of the high school; the
20 agenda.

21 Before -- okay.

22 Everybody, kindly rise to salute the flag,
23 please.

24

25 (Whereupon, the Pledge of Allegiance was

1 said by all.)

2

3 THE SECRETARY: Thank you.

4

5 **ROLL CALL:**

6

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

9 Mr. Grullon?

10 CHAIRPERSON GRULLON: Here.

11 THE SECRETARY: Mr. Marotta is absent.

12 Miss Gutierrez?

13 VICE CHAIRPERSON GUTIERREZ: Here.

14 THE SECRETARY: Mr. Ortiz?

15 MR. ORTIZ: Here.

16 THE SECRETARY: Mr. Garcia?

17 MR. GARCIA: Here.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Here.

20 THE SECRETARY: Miss Pena?

21 MS. PENA: Here.

22 THE SECRETARY: Miss Perez?

23 MS. PEREZ: Here.

24 THE SECRETARY: Mr. Cetinich?

25 MR. CETINICH: Here.

1 THE SECRETARY: Miss Watley?

2 MS. WATLEY: Here.

3 THE SECRETARY: We have ten members?

4 MR. SPATZ: Nine.

5 THE SECRETARY: Huh?

6 MR. SPATZ: Nine.

7 THE SECRETARY: Nine members?

8 MR. PANEQUE: Nine.

9 THE SECRETARY: We have nine members.
10 We have a full quorum for tonight's
11 meeting.

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1 **ADOPTION OF MINUTES:**

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

4

5 THE SECRETARY: Approval of previous
6 meeting minutes from July 8, 2021.

7 Can I have a motion?

8 CHAIRPERSON GRULLON: Motion.

9 THE SECRETARY: Motion by Mr. Grullon.

10 VICE CHAIRPERSON GUTIERREZ: Second.

11 THE SECRETARY: Seconded by Miss Gutierrez.

12 Roll call on the motion.

13 Mr. Grullon?

14 CHAIRPERSON GRULLON: Yes.

15 THE SECRETARY: Miss Gutierrez?

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 THE SECRETARY: Mr. Garcia?

18 MR. GARCIA: Yes.

19 THE SECRETARY: Mr. Ortiz?

20 MR. ORTIZ: Yes.

21 THE SECRETARY: Miss Perez?

22 MS. PEREZ: Yes.

23 THE SECRETARY: Five in favor.

24 Motion carries.

25 * * *

1 **720 8th Street Union City Urban Renewal**
2 **Association, LP -**
3 **720 8th Street:**

4

5 THE SECRETARY: 720 8th Street Union City
6 Urban Renewal Association, LP.

7 Miss Emily Weiner, please?

8 MS. WEINER: Thank you.

9 Good evening.

10 VICE CHAIRPERSON GUTIERREZ: Hi.

11 MS. WEINER: I'm Emily Weiner, from Weiner
12 Law Group, on behalf of the applicant, 720 8th
13 Street Union City Urban Renewal Association, LP.

14 They had previously obtained an approval
15 from this Board for a 101 unit affordable housing
16 building with associated parking; both resident
17 parking and public parking; as well as small
18 retail component.

19 And the -- a future a space for the U.S.
20 Postal Service office that's currently on that
21 site.

22 About a year ago, I was here asking for the
23 first one-year extension so that they could get
24 their financing in place.

25 Over the last year they've been diligently

1 working to do so between COVID and some other
2 changes.

3 Their final financing is not yet ready.

4 However, in that year, they've also been
5 diligently working with their professionals to
6 have the construction drawings prepared, as well
7 as all of the environmental geotechnical
8 engineering.

9 So that as soon as their funding is in
10 place, which they anticipate it being in the next
11 few months, they are ready to submit for
12 construction permits as soon as possible.

13 They are asking for the one year as of
14 right extension pursuant to Municipal Land Use
15 Law, Section 52 tonight.

16 We submitted a letter directly from the
17 applicant explaining all of the details of what
18 they are doing.

19 And we respectfully request the extension.

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

22 Is this the second extension that you're
23 requesting, or?

24 MS. WEINER: This is the second extension.

25 CHAIRPERSON GRULLON: Second extension.

1 MS. WEINER: There are three permitted by
2 the Municipal Land Use Law.

3 CHAIRPERSON GRULLON: Yes.

4 MS. WEINER: This is the second.

5 CHAIRPERSON GRULLON: And -- and obviously,
6 the reason is because of the COVID, some of the
7 paperwork got delay?

8 MS. WEINER: Yes, exactly.

9 CHAIRPERSON GRULLON: Yes.

10 MS. WEINER: They're -- you know, they --
11 like I said, they've been working on everything
12 that they can control and everything that is
13 under their control.

14 The construction drawings and the things on
15 -- on their end are all ready to go and be
16 submitted, you know, the day that the funding
17 comes through, which again, they anticipate being
18 hopefully in the next couple of months.

19 CHAIRPERSON GRULLON: All right.

20 Thank you.

21 Thank you.

22 Any member of the Board has any question?

23 Seeing none.

24 I make a motion to -- to approve the
25 extension of one year.

1 THE SECRETARY: Motion by Mr. Grullon to
2 grant the extension.

3 VICE CHAIRPERSON GUTIERREZ: Second.

4 THE SECRETARY: Seconded by Miss Gutierrez.

5 Roll call on the motion to grant one year
6 extension.

7 Mr. Grullon?

8 CHAIRPERSON GRULLON: Yes.

9 THE SECRETARY: Miss Gutierrez?

10 VICE CHAIRPERSON GUTIERREZ: Yes.

11 THE SECRETARY: Mr. Garcia?

12 MR. GARCIA: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Miss Pena?

18 MS. PENA: Yes.

19 THE SECRETARY: Miss Perez?

20 MS. PEREZ: Yes.

21 THE SECRETARY: Seven in favor.

22 Motion carries.

23 MS. WEINER: Thank you so much.

24 Have a great night.

25 THE SECRETARY: Thank you.

1 VICE CHAIRPERSON GUTIERREZ: Thanks --
2 you're welcome.

3

4 (Whereupon, there was a pause in the
5 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 MR. ALONSO: Good evening, Mr. Chairman and
9 members of the Board.

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

12 This application was commenced back at the
13 July 8th hearing.

14 Testimony was concluded.

15 At that time, we reviewed the memo from the
16 Building Department, which we -- we believe was
17 incorrect.

18 I provided documentation to support our
19 position that they were residential units.

20 The Building Department maintains that
21 there are only commercial units on the site.

22 Since then, the Building Department has not
23 provided an updated memo or addressed any issues
24 with respect to that memo.

25 So, I don't know what the Board wishes to

1 do with this.

2 It's also my understanding from speaking
3 with Mr. Vallejo, that there are only four
4 eligible voters for this evening anyway.

5 So, we couldn't proceed if that's correct.

6 CHAIRPERSON GRULLON: Mr. -- Mr. Alonso,
7 did you request a memo, a revised memo from the
8 Building Department?

9 MR. ALONSO: My un-- I was told that the
10 Board was going to reach out to the Building
11 Department to obtain a -- an updated or corrected
12 memo, or to confirm that the memo that was
13 provided is, in fact, correct.

14 CHAIRPERSON GRULLON: Do we have a
15 corrected memo?

16 MR. PANEQUE: We do not have a corrected
17 memo at this point.

18 THE SECRETARY: Oh, we didn't get it.

19 MR. PANEQUE: Mr. Vallejo?

20 THE SECRETARY: We provide the -- the
21 agenda to the Building Department and we didn't
22 get the update.

23 I am going to make sure for next meeting we
24 have that update version.

25 CHAIRPERSON GRULLON: Yeah.

1 Mr. Alonso, I would suggest that we carry
2 the application and try to reach out to the
3 Building Department and see if we can get a
4 correction on the memo, or you know, whatever
5 decision they have.

6 Okay?

7 MR. ALONSO: Okay.

8 MR. PANEQUE: It would be carried to the
9 next meeting without the need for further notice.

10 THE SECRETARY: October 14?

11 MR. ALONSO: I'm sorry, Mr. Vallejo?

12 The date?

13 MR. PANEQUE: October 14th.

14 MR. ALONSO: October 14th.

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

17 THE SECRETARY: All right.

18 CHAIRPERSON GRULLON: Okay.

19 Mr. Vallejo, I'm going to -- I -- I make a
20 motion to carry this application --

21 THE SECRETARY: Motion to carry this app --
22 this application --

23 CHAIRPERSON GRULLON: -- to October 14.

24 THE SECRETARY: -- for October 14 --

25 CHAIRPERSON GRULLON: Yeah, next meeting.

1 THE SECRETARY: -- motion by Mr. Grullon.
2 VICE CHAIRPERSON GUTIERREZ: I'm second.
3 THE SECRETARY: Seconded by Miss Gutierrez.
4 Roll call on the motion.
5 Mr. Grullon?
6 CHAIRPERSON GRULLON: Yes.
7 THE SECRETARY: Miss Gutierrez?
8 VICE CHAIRPERSON GUTIERREZ: Yes.
9 THE SECRETARY: Mr. Garcia?
10 MR. GARCIA: Yes.
11 THE SECRETARY: Mr. Medina?
12 MR. MEDINA: Yes.
13 THE SECRETARY: Miss Perez?
14 MS. PEREZ: Yes.
15 THE SECRETARY: Mr. Ortiz?
16 MR. ORTIZ: Yes.
17 THE SECRETARY: Missing somebody else.
18 Ms. Pena?
19 MS. PENA: Yes.
20 THE SECRETARY: Seven in favor.
21 Motion carries.
22 MR. ALONSO: Thank you.
23 MR. PANEQUE: Thank you, Mr. --
24 VICE CHAIRPERSON GUTIERREZ: You're
25 welcome.

1 MR. ALONSO: Flashback 25 years ago.

2 MR. PANEQUE: Thank you.

3 CHAIRPERSON GRULLON: Thank you.

4 MR. PANEQUE: I was --

5 MR. ALONSO: Good night.

6 MR. PANEQUE: -- that good looking.

7 CHAIRPERSON GRULLON: How about the other
8 one? He had another one.

9 MR. PANEQUE: Al, do you have something
10 else?

11 MR. ALONSO: I don't think so.

12 MR. PANEQUE: No?

13 No, that's it.

14 CHAIRPERSON GRULLON: Yeah. No, okay.

15 MR. PANEQUE: Yeah.

16 All right.

17 Thanks.

18 MR. ALONSO: Thank you.

19 THE SECRETARY: Give me two seconds.

20

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

23

24

* * *

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1 **Hilda Perez and Alex Perez -**

2 **2000 West Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda Hilda Perez and Alex Perez, 2000
6 West Street.

7 Mr. Lopez, please?

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

10 Adolfo Lopez, appearing on behalf of the
11 applicant.

12 MR. PANEQUE: Good evening, Mr. Lopez.

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

15 I've been provided with an affidavit of
16 service, which has been signed by Mr. Lopez, and
17 notarized by attorney Anna Noris, indicating that
18 notice of tonight's hearing with respect to the
19 property at 2000 West Street, also known as 526
20 Monastery Place in Union City, was provided to
21 all property owners within the 200 foot radius as
22 required by law.

23 I've also been provided with a affidavit
24 from The Jersey Journal and a copy of the notice
25 that was published on August 23rd, 2021.

1 Said notice indicates that on tonight's
2 evening -- meeting, the Board will be presented
3 with the application for the property in
4 question, and the hearing will take place at the
5 Media Room located at 2500 JFK Boulevard, which
6 is the present location.

7 I've also been provided with a list from
8 the tax assessor's office with a date of July 9th,
9 2021, showing all property owners within the 200
10 foot radius of 2000 West Street, also known as
11 Block 109, Lot 26.

12 Then the last thing I've been provided with
13 is --

14 Strike that.

15 Not the last thing, but I've also been
16 provided with a copy of the notice that was sent
17 to all property owners.

18 The notice states the location of the
19 hearing as well as what the variances that are
20 being sought.

21 And I've been provided with the certified
22 mail receipts with a postmark date of August 25th,
23 2021.

24 Based on the documentation that has been
25 provided by Mr. Lopez, this Board has

1 jurisdiction to proceed and hear this matter.

2 Thank you, Mr. Lopez.

3 MR. LOPEZ: Thank you.

4 Thank you, Mr. Chairman and members of the
5 Board.

6 This is an application for the
7 establishment of a daycare center at 2000 West
8 Street.

9 For tonight's presentation, I have three
10 witnesses.

11 My client, Alex Perez, will go first.

12 And the reason I want him to testify first
13 is because this is not an ordinary daycare center
14 that's being proposed.

15 It is a much more advanced, catering to
16 special needs children and infants.

17 There is a tremendous need for this type of
18 service in the community.

19 These centers are very rare.

20 So, I want him to explain generally.

21 I have my planner, Mr. Eben, who will
22 testify.

23 And our architect, Mr. Pereiras.

24 If I may, Mr. Chairman?

25 CHAIRPERSON GRULLON: Yes.

1 MR. LOPEZ: Alex?

2 CHAIRPERSON GRULLON: You may proceed.

3 MS. DILLON: Just right over here to this
4 podium.

5 Sir, please raise your right hand.

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

8 MR. PEREZ: Yes.

9 MS. DILLON: Please state your name and
10 spell it for the record.

11 MR. PEREZ: Alex Perez, A-L-E-X, P-E-R-E-Z.

12 MS. DILLON: Thank you.

13 MR. LOPEZ: Alex, give us a business
14 address, please?

15 MR. PEREZ: Current business address?

16 MR. LOPEZ: Yes.

17 MR. PEREZ: 6201 Park Avenue, West New
18 York, New Jersey.

19 MR. LOPEZ: And that -- the address that
20 you gave us is for another daycare center that
21 your family operates?

22 MR. PEREZ: Yes.

23 It's a -- a daycare center called Jugando
24 Aprendemos.

25 We've been established for over 25 years at

1 | that location.

2 | MR. LOPEZ: And generally, please explain
3 | to the Board why this daycare center that you're
4 | proposing as part of tonight's application is
5 | different from ordinary centers?

6 | MR. PEREZ: Great.

7 | Well, thank -- first of all, thank you for
8 | the opportunity.

9 | My family's been in the business for over
10 | 25 years; the daycare center.

11 | My -- my wife, my sister are all educators,
12 | administrators in -- in the educational business.

13 | I have a -- a brother that's handicapped.

14 | So, when we were growing up, it was really
15 | hard to find first, quality daycare for -- for my
16 | kids, where you know, when -- you know, so my mom
17 | said, hey, we got to build something because
18 | there's really no good quality daycares.

19 | That's why we established and built Jugando
20 | Aprendemos.

21 | Over the years, we've also noticed that
22 | kids with special needs don't have the -- the
23 | proper facilities for them to be able to be
24 | serviced.

25 | Or even kids on the spectrum don't have the

1 property (sic) -- the proper facilities for the
2 ABA specialists to come in and give them all, you
3 know, all the support that they need.

4 And with COVID, you know, at our current
5 center, we just saw that number just drastically,
6 you know, increase.

7 And to me, it just breaks my heart.

8 You know, every time a parent comes and you
9 know that, you know, they explain to you that
10 their child is on the spectrum.

11 And they don't have help. They're crying.

12 You know, my heart goes out to them.

13 You know, I make everything possible in my
14 current center to help facilitate that need.

15 But, you know, there's not enough.

16 And I speak to the ABA specialists from
17 West New York; from the county. And they all
18 tell me the same thing. You know, there needs a
19 place that could service these children.

20 So, I went out there and I started to look
21 for a property.

22 You know, I -- I've lived in -- you know, I
23 -- I grew up in West New York.

24 My wife grew up in Union City.

25 I know this -- both towns like the back of

1 my hand.

2 And, you know, my kids go to Saint Francis
3 Academy; all my kids went through there.

4 And then I'm, you know, driving down West
5 Street, I see the sign for it.

6 I said, oh my God, this is perfect. It --
7 it looks like a school. It's a great space. It
8 has -- you know, it's -- it's just in a great
9 area of Union City.

10 So, I reached out to Rob, the owner.

11 I said, hey, I got a -- you know, this is
12 what I want to do. What are your thoughts on it?

13 And he thought it was a great idea.

14 And, you know, we decided to proceed.

15 So, my focus is going to be, you know,
16 early intervention; we work with ABA specialists
17 to help support those needs.

18 The other -- for the other focus of -- it's
19 -- it is a large location.

20 The other focus is going to be on infants.

21 In -- in discussions with the Urban League
22 of Hudson County, they've identified that one of
23 the biggest needs in Union City is the lack of
24 infant care, because a lot of facilities do not
25 meet their physical requirements.

1 And even the Department of Licensing echoed
2 the same messaging.

3 So, this location is perfect for infants.

4 It has -- it has the proper exits that it
5 needs; the proper facility for it.

6 And it will be great.

7 And again, this is a need in the town; I
8 think we'll be able to service.

9 MR. LOPEZ: Alex, generally, as it pertains
10 to zoning and matters that are of concern to the
11 Board, what type of hours would the center
12 typically operate?

13 MR. PEREZ: The center's going to operate
14 from seven a.m. till six p.m., Monday to Friday.

15 MR. LOPEZ: And what is your guess as to
16 the number of employees that you think you'll
17 need to work at this center?

18 MR. PEREZ: Per shift, I'll probably need
19 between eight and ten.

20 MR. LOPEZ: Okay.

21 Anything else that you think is important
22 for the Board to consider?

23 MR. PEREZ: Just it's -- it's a need.

24 And again, you know, if -- you know, I've
25 seen it just increase significantly more since

1 COVID.

2 And I think this will be a great service
3 for the town; a great service for the community.

4 And I think, you know, that -- that you
5 know, my whole family is in the educational
6 business.

7 This is something that -- that we have to
8 give back to the community, especially because my
9 brother, you know, grew up with this.

10 MR. LOPEZ: Thank you, Alex.

11 MR. PEREZ: Thank you.

12 MR. LOPEZ: Any questions from the Board?

13 CHAIRPERSON GRULLON: Mr. Perez, how many
14 kids you planning to have at that -- at that
15 location?

16 MR. PEREZ: I -- I believe based on the --
17 the square footage that we have, it's in excess
18 of a hundred children.

19 We still have to wait for licensing after
20 the walls are set up for the -- the measurements.

21 But it will probably be about a hun--
22 between a hundred and a hundred twenty children.

23 CHAIRPERSON GRULLON: For this -- and you
24 -- you -- you say that from eight to ten
25 employees (indiscernible)?

1 MR. PEREZ: Yes, per shift.

2 CHAIRPERSON GRULLON: Oh, per shift.

3 MR. PEREZ: Per shift.

4 CHAIRPERSON GRULLON: Okay.

5 Thank you.

6 Any other member of the Board?

7 MR. GARCIA: Yeah.

8 VICE CHAIRPERSON GUTIERREZ: Ask it --
9 okay.

10 MR. GARCIA: No, go ahead.

11 Sorry.

12 VICE CHAIRPERSON GUTIERREZ: Yeah.

13 And Mr. Perez, the age?

14 What's going to be the age for the kids
15 that you're going to have in attendance?

16 MR. PEREZ: The license we're requesting is
17 zero to 13.

18 VICE CHAIRPERSON GUTIERREZ: All right.

19 Thank you.

20 MR. GARCIA: And you mentioned seven to six
21 are the operating hours.

22 With respect to the pick-up and drop-off
23 hours, do they just fall within that entire
24 spectrum, or are they specific hours within that
25 range?

1 MR. PEREZ: It depends on -- on the group.

2 So, if it's infant, they -- they have
3 flexibility to come in anywhere between seven and
4 ten a.m.

5 If it's your -- your waddlers, again, seven
6 to ten.

7 If it's your toddlers, we try to be more
8 stringent, and it's eight o'clock, you know,
9 between seven and eight that they have to come.

10 So, that's -- you know, we try to space it
11 out from that perspective.

12 The early intervention section, it will be
13 probably be eight to -- to six because that's
14 when the ABA specialists work.

15 MR. GARCIA: Okay.

16 Thank you.

17 CHAIRPERSON GRULLON: Thank you.

18 Thank you, Mr. Perez.

19 MR. LOPEZ: Thank you, Alex.

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

22 MS. DILLON: Please raise your right hand.

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

25 MR. PEREIRAS: I do.

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

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

6 MR. LOPEZ: Oh, Mr. Paneque, Mr. Pereira
7 has been qualified many times before the Board.

8 CHAIRPERSON GRULLON: Yes.

9 We accept your qualifications.

10 MR. LOPEZ: Thank you.

11 CHAIRPERSON GRULLON: Glad to have you
12 back.

13 MR. PEREIRAS: Thank you.

14 MR. LOPEZ: Mr. Pereira, are you familiar
15 with the proposed project?

16 MR. PEREIRAS: I am.

17 MR. LOPEZ: There were drawings that had
18 been presented to this Board antici-- in
19 anticipation of today's meeting.

20 Were they prepared by your firm?

21 MR. PEREIRAS: Yes, they were.

22 MR. LOPEZ: Could you generally describe,
23 first of all, what's being proposed here; the
24 location, square footage, and -- and general
25 guidelines?

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

2 There are few projects that I could say are
3 so absolutely perfect for a location.

4 This is one of them.

5 We have an extreme need.

6 And we have a facility, a building, that is
7 actually prepared almost perfectly already,
8 before any intervention by us, to suit this need.

9 We have an existing facility.

10 Most of us growing up, I always knew it as
11 the Passionist building.

12 It's a wonderful structure; basically two
13 stories.

14 We're looking to have -- occupy a space on
15 that first story; that's about 5,000 square feet.

16 For purposes of -- of the presentation, I
17 have an easel to my right.

18 And I'd like to go through the drawings
19 there.

20 The drawings here on this easel are the
21 same drawings that were submitted to the Board.

22 MS. DILLON: Mr. Pereiras, please work at
23 your microphone situation.

24 MR. PEREIRAS: I'll work it out.

25 Thanks.

1 We have very minor changes that we're
2 looking to do on the outside of the building.

3 The only significant change is in cre--
4 creating a new --

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

7 MR. PEREIRAS: Thank you.

8 -- creating a new entry point.

9 This is the portion that is going to be
10 occupied by the daycare.

11 The rest of the building has a entrance
12 along this point that distributes to all the
13 different offices in the building.

14 When we're speaking with the daycare
15 facility, especially a special needs one, we want
16 a dedicated entrance to that building, so we're
17 creating a new dedicated entrance along this
18 point.

19 Also important from the site plan, you see
20 that we have designated parking spaces.

21 We have six spaces that are allocated for
22 this facility.

23 For -- in Union City, that's a wonderful
24 amount of parking spaces for a -- for a daycare
25 facility.

1 It gives us ample space for parents to come
2 in, park their car, and be able to drop off their
3 children.

4 In addition to that, we have a driveway
5 with a gate that has the ability for pick-up and
6 drop-off, with entry right there right next to
7 that point.

8 MR. LOPEZ: Mr. Pereiras, can you -- can
9 you show on the photograph where that entrance
10 is?

11 You have a photograph also.

12 MR. PEREIRAS: And -- and the photograph,
13 the entry point will be right here.

14 This is the corner of the building facing
15 the Monastery side, right at that part.

16 And if we look at this and plan, we see
17 that we allocated four very large classrooms.

18 If this was a normal daycare, these
19 classrooms would be a lot smaller.

20 They would be catered to fit 16 students
21 per space.

22 This is a very different type of facility;
23 it's much larger classrooms.

24 The early intervention classroom is 1,264
25 square feet in it of itself.

1 We have the infant classroom at 1,292
2 square feet.

3 And then we have another two for walkers
4 and waddlers of 975 and 981 square feet.

5 And ample space and large corridors so that
6 you could -- so people can maneuver through
7 carefully.

8 And enough room for cubbies there as well.

9 So, the entry point is isolated through
10 this vestibule.

11 An office that controls security coming in
12 through a building.

13 We have a kitchen area so that they can
14 cook lunches for the children on -- in that area
15 and warm up lunches.

16 And then the classrooms along here.

17 We're maintaining emergency exits on both
18 ends of the daycare, so that this daycare will
19 really have three exits from it; one from each
20 end and then the exit along here.

21 And, as well as emergency exits along the
22 back of the property for the different
23 classrooms, especially the infants that have a
24 walkout area as well in case of an emergency.

25 So, infants are be able to put in the

1 | cradle and -- and rolled out directly to the
2 | outside.

3 | In this lower corner, what we have here is
4 | a -- a play area.

5 | We have 685 square feet dedicated for
6 | outdoor play, which is more than the minimum
7 | required by -- by state licensing.

8 | MR. LOPEZ: That area is fenced with a
9 | gate.

10 | Is that correct?

11 | MR. PEREIRAS: That is correct.

12 | We're proposing a tall fence there and a
13 | gate as an emergency to get out, and a gate --
14 | and to get in directly from the -- the infant
15 | classroom as well.

16 | The building, I want to say has a lot of
17 | features that make it really suitable for this,
18 | including a fully suppressed sprinkler system.

19 | So, from a code standpoint, I know a lot of
20 | you are educators.

21 | This is an I-4 facility that allows -- it's
22 | institutional, which allows us to handle kids
23 | with needs and infants.

24 | So it's fully sprinklered. It's -- the
25 | construction type is appropriate for it.

1 It has all the re-- requirements for life,
2 safety, fire, and egress.

3 MR. LOPEZ: This is also a masonry building
4 through and through.

5 Is that correct?

6 MR. PEREIRAS: That is correct.

7 MR. LOPEZ: All right.

8 I'm going to refer you to the photograph in
9 your -- in your prior sketch.

10 On that photograph on top, it shows the --
11 the front on the building facing West Street,
12 with a parking area and a driveway.

13 Is that correct?

14 MR. PEREIRAS: That is correct.

15 MR. LOPEZ: Do you have an opinion as to
16 whether or not that -- that large driveway is
17 appropriate for the drop off of children?

18 MR. PEREIRAS: Absolutely.

19 It's perfectly appropriate.

20 So, the driveway tapers to a smaller point
21 along the back.

22 But cars could come up here, have ample
23 room to -- for child drop-off, as well as the
24 additional parking spaces that we have; the six
25 parking spaces.

1 So, if that driveway was full, it can act
2 as an overflow and people could park at those
3 spaces to drop their children off.

4 MR. LOPEZ: And, Mr. Pereiras, can you go
5 over the required variances for this application?

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

7 These are all pre -- well, we have a
8 planner. He's going to --

9 MR. LOPEZ: Right.

10 MR. PEREIRAS: -- he's going to go into
11 them in a lot more detail.

12 But what I have listed is of course the
13 use, because we have daycare; and this is an R
14 zone.

15 But in addition to that, we have
16 preexisting nonconformities.

17 We have front yard, which is located --
18 there are portions that are located close to 7.5
19 feet.

20 We have a minimum rear yard which is 20
21 feet required, and we have 15 foot, one.

22 We have -- and of course, preexisting
23 parking variance.

24 These are all preexisting nonconformities
25 that we are not expanding in any way.

1 The reality is, that from a parking
2 standpoint, we're probably reducing the parking
3 variance because the parking required for office
4 space is greater than that was -- what that is
5 required for a daycare facility.

6 MR. LOPEZ: I have nothing else of this
7 witness.

8 If the Board has any questions?

9 CHAIRPERSON GRULLON: Mr. Pereiras, could
10 you, you know, give us some testimony about air
11 ventilation and windows?

12 I know that building is a ground floor.

13 Have you had the opportunity to visit?

14 Are you going to be doing construction
15 inside?

16 MR. PEREIRAS: So, we are erecting new
17 walls.

18 CHAIRPERSON GRULLON: Yeah.

19 MR. PEREIRAS: We are bringing the facility
20 to -- to meet all the requirements necessary for
21 licensing and beyond that.

22 That means that every classroom's going to
23 have toilets and sinks.

24 There's hand sinks for the teachers to wash
25 their hands.

1 There's sinks to prepare the bottles.

2 And for the toddlers and waddlers, there
3 are sinks for them to wash their hands as well.

4 So, there's a lot of construction going on
5 there that includes both fire safety for
6 penetrations and -- and hallways, and things of
7 that nature.

8 There is plumbing.

9 There's electricity going on.

10 There's construction.

11 So, yes, all -- there will be a significant
12 amount of construction.

13 And there are windows around this entire
14 facility. So, there is daylight everywhere.

15 It's actually a beautiful building, wrapped
16 in windows on every side.

17 CHAIRPERSON GRULLON: Are you proposing to
18 have to have air conditioner there?

19 MR. PEREIRAS: Yes.

20 There will be cooling and heating, of
21 course, in the facility.

22 There's preexisting systems now. We're
23 utilizing those preexisting systems as much as
24 possible.

25 CHAIRPERSON GRULLON: I -- I know this

1 might be for the planner, but on the table here
2 say that you don't require parking variance.

3 Is that correct?

4 MR. PEREIRAS: The planner could talk a
5 little bit more about that.

6 But I believe that we're actually reducing
7 the -- the parking impact on the -- on the
8 structure.

9 So, if this was an office space, which it
10 was, the parking requirement would be higher than
11 what it is as a daycare.

12 So, it's not listed as variance.

13 CHAIRPERSON GRULLON: Okay.

14 Thank you, Mr. Pereiras.

15 (Indiscernible).

16 MS. PEREZ: Can I just -- whatever -- would
17 there ever be buses coming in and -- and out for
18 this school?

19 MR. PEREIRAS: The owner would be the
20 person to answer that.

21 I believe not, but he could expand on that.

22 MR. LOPEZ: Alex, come on up one second.

23 MR. PEREZ: Yes.

24 MR. LOPEZ: The question from the Board
25 member is if you foresee --

1 You're still under oath, by the way.

2 MR. PEREZ: Yes, understood.

3 MR. LOPEZ: Do you foresee any buses ever
4 coming to --

5 MR. PEREZ: At my current daycare, I have
6 only two students that get dropped off on a bus.

7 So, it's very limited, the amount. I -- I
8 don't foresee that typically. The -- the
9 students are all from the local area.

10 MS. PEREZ: And the parents drop off?

11 MR. PEREZ: Yeah, they just get dropped
12 off.

13 MR. LOPEZ: Now, when you say a bus, these
14 -- these are not the large school buses?

15 MR. PEREZ: No, no, no.

16 The -- the smaller, I think what is it, 15
17 or 18 passenger smaller buses.

18 MR. PEREIRAS: And it's great to note that
19 --

20 MR. LOPEZ: Thank you.

21 MR. PEREIRAS: -- if you look at our site
22 plan, this is West Street along here; building
23 over here.

24 There is parking head-on all along West
25 Street, so, there is no parking on the curb.

1 So, it's ideal for a bus to drop off; come
2 in, pull over, and drop off.

3 It's very safe; safer condition than most
4 areas.

5 And from where you can see from this
6 photograph, there are no cars parked there
7 because it is all a driveway.

8 So, it actually accommodates a bus very
9 well.

10 MR. LOPEZ: Any other questions?

11 CHAIRPERSON GRULLON: No, did you --

12 MR. LOPEZ: Mr. Chairman, before I proceed
13 with my planner, I would just like Mr. Spatz to
14 clarify for the Board the -- the special
15 classification that the Statute attributes to
16 this type of use, as well as our Ordinance.

17 Even though we're seeking a use variance,
18 this is actually a permitted conditional use.

19 But if Mr. Spatz could please -- please
20 brief the Board?

21 MR. SPATZ: That's correct.

22 The Municipal Land Use Law was amended a
23 number of years ago to better define it -- what
24 they considered inherently beneficial.

25 That's a use that benefits the community at

1 large.

2 They listed a number of uses.

3 Daycare centers was list -- childcare
4 centers was listed as inherently beneficial,
5 which means that the sort of positive criteria,
6 the positive impact has already been decided.

7 So, what the Board really needs to look at
8 is, what are the negative impacts from the use
9 and how can those be addressed.

10 And then you'd have to weigh whether the
11 positive impact from what is being proposed
12 outweighs anything that's negative that they
13 can't deal with.

14 And the Ordinance -- what the Land Use Law
15 also said is that daycare centers are
16 automatically permitted uses in the commercial
17 zones, and they have to go through this process
18 for the residential zones.

19 But this is a building that this Board I am
20 sure is very familiar with.

21 You've approved it for a mixture of uses
22 over the years.

23 CHAIRPERSON GRULLON: Yes.

24 MR. SPATZ: In fact, I think there's a
25 Resolution on -- is -- is on this evening for a

1 | house of worship that was approved at a prior
2 | meeting, so --

3 | MR. LOPEZ: Yeah.

4 | MR. SPATZ: -- this real -- this building
5 | is sort of laid out for multiple uses.

6 | CHAIRPERSON GRULLON: Thank you, Mr.
7 | Spatz.

8 | MR. LOPEZ: Thank you.

9 | Mr. Eben?

10 | Mr. Chairman, members of the Board, my next
11 | witness is Jerome Eben.

12 | He is our planner this evening.

13 | Mr. Eben has previously testified before
14 | this Board on numerous occasions.

15 | He will gladly go over his credentials if
16 | the Board so requests.

17 | CHAIRPERSON GRULLON: Um --

18 | MS. DILLON: Mr. Eben --

19 | I -- I was going to swear him in.

20 | CHAIRPERSON GRULLON: Oh, sure.

21 | Sorry.

22 | MS. DILLON: I'm sorry.

23 | Mr. Eben, please raise your right hand.

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

1 MR. EBEN: I do.

2 MS. DILLON: Please state your name and
3 spell it for the record.

4 MR. EBEN: Jerome Leslie Eben, FAIA and PP,
5 architect and planner, 26 Walker Road, West
6 Orange, New Jersey.

7 MS. DILLON: Sorry, Mr. Chairman.

8 CHAIRPERSON GRULLON: Mr. Eben, yeah,
9 you've been in front of this Board in a -- in
10 other occasions.

11 MR. EBEN: I have trouble hearing, so it's
12 --

13 CHAIRPERSON GRULLON: You -- you've been in
14 front of this Board in other occasions?

15 MR. EBEN: Yeah, I've been -- I've been
16 present on numerous occasions in Union City.

17 CHAIRPERSON GRULLON: Okay.

18 Could you please, you know, go over your
19 qualifications, just for the other Board members?

20 MR. EBEN: Sure.

21 I'm an architect and a -- and a planner.

22 I've been an architect and planner for
23 about 39 years.

24 I've testified in over a hundred boards
25 throughout the United -- throughout the United

1 States as an architect and as a planner.

2 I've designed well over a hundred daycare
3 centers, both renovated buildings and buildings
4 out of the ground.

5 Currently involved in doing that.

6 And same thing with -- with discussing
7 planning of many -- many different types of
8 buildings.

9 MR. LOPEZ: Mr. Eben, are you a --

10 CHAIRPERSON GRULLON: Thank --

11 MR. LOPEZ: -- licen--

12 CHAIRPERSON GRULLON: -- thank you, Mr.

13 Eben.

14 MR. LOPEZ: -- licensed architect and
15 planner in the State of New Jersey?

16 MR. EBEN: I am -- I am licensed, and my
17 license is currently current -- is currently
18 current in -- in New Jersey.

19 CHAIRPERSON GRULLON: Thank you, Mr. Eben.

20 We accept your qualifications.

21 Thank you.

22 You may proceed.

23 MR. LOPEZ: Thank you.

24 Mr. Eben, you were here for the testimony
25 of the architect, Mr. Pereiras.

1 Is that correct?

2 MR. EBEN: Yes.

3 And I met with Mr. Pereiras.

4 MR. LOPEZ: You -- I was going to ask you
5 that.

6 You previously met with Mr. Pereiras and
7 you're familiar with the site.

8 Is that correct?

9 MR. EBEN: I'm very familiar with the site.

10 I -- I normally spend a significant amount
11 of time in reviewing the architectural drawings
12 on every project I do, as well as -- as well as
13 the reports from the City.

14 I visited the site.

15 In this case, I visited it twice.

16 Walking around the entire neighborhood for
17 several blocks in all directions of the subject
18 property, beyond the address of what I hope will
19 become a -- a new daycare center.

20 Many of the young children will fit well in
21 this vibrant -- come from this vibrant
22 residential neighborhood of Union City.

23 My second trip on the site, I was able to
24 get into the interior of the building legally.

25 And put on my architect hat for -- for a

1 second again.

2 I've prepared drawings for well over a
3 hundred daycare centers, both out of the ground
4 and in renovated stages; in open areas and in
5 cities; Newark, East Orange, Orange, Chicago, New
6 York City, across the country; in California
7 also.

8 I can tell you that this vacant space is
9 beyond perfect for this use.

10 So, history of the site.

11 I always like to throw some history in
12 because I am a history buff, and talk about the
13 general description of the neighborhood for this
14 proposed renovation.

15 The building was constructed in 1925.

16 Originally housed the National Catholic
17 Magazine offices until 2012.

18 It is now a mixed use building; houses the
19 offices of Dr. Bhavna Gupta, MD, who is an
20 oncologist.

21 An addition to the building was built; was
22 designed and constructed in 1957.

23 The space had been used for other uses
24 since then, that have been vacated.

25 We propose to renovate the -- the space

1 | into a new daycare center.

2 | The daycare center use is not allowed in
3 | the R, Low Density Zone, and that is why we're
4 | here before you this evening.

5 | Across the street at 2019 West Street is
6 | the great Saint Michael's Monastery.

7 | When I saw that building I really -- you
8 | know, I love old buildings as an architect.

9 | It was originally built in 1875 and then it
10 | was rebuilt in 1934 after a serious fire.

11 | It's a magnificent building of art and
12 | science, which, if you look it up in the
13 | dictionary, is the actual definition of
14 | architecture.

15 | The surrounding neighborhood is -- a great
16 | example, a single, two- and three-family
17 | dwellings on narrow lots inter-dispersed with
18 | four and five story apartment houses.

19 | A high-rise apartment building called
20 | Belleville (sic) Vista Apartments is nearby.

21 | The neighborhood has mixed uses as well
22 | with some residents built over retail that
23 | support the whole neighborhood with everything
24 | from a -- a neighborhood requires; even some
25 | daycare centers.

1 We hope that the Board will be approving
2 this evening here, and these are the reasons why
3 you should.

4 Union City's goals and exec -- and
5 objectives include and relate this project as
6 follows:

7 Provide a balance of land uses, development
8 patterns in appropriate locations.

9 This site offers an opportunity to fill a
10 partially vacant but still modern building.

11 Mr. Pereiras, AIA, the applicant's
12 architect, has just presented a few minutes ago
13 his plans for the use of the space as a positive
14 and much needed daycare center, which in
15 accordance with the MLUL is a beneficial use.

16 The project will help preserve the
17 character of the community from the inside out.

18 It will help strengthen the established
19 residential character and provide a much needed
20 service of educating children from infants to
21 kindergarten age.

22 This is just one of a -- of a broad ranges
23 of choices.

24 Above all, we believe that working with the
25 City and its vision is something that we want to

1 be a part of.

2 In advance of this evening, we asked the
3 landlord to clean up the exterior of the site of
4 some construction material and debris that were
5 left there.

6 And he did so willingly over the last four
7 days.

8 There is a strong indication of a stable
9 and continued pattern which characterizes the
10 potential of the R, Low Density Residential Zone.

11 In the conversion of this vacant space, it
12 provides an example of our economy is coming back
13 after this past terrible 18 months of the
14 pandemic, which most unfortunately seems to be
15 making another stand.

16 However, wanting -- I want to keep a very
17 positive outlook after last week's storm.

18 I want to believe that in general people
19 have faith in -- in this upward mobile
20 neighborhood in which the leaders of your
21 community believe, and will continue to extend to
22 the whole of Union City.

23 Through the various projects that I have
24 provided testimony here in Union City, I have
25 gained a complete understanding of the land use

1 pattern and the focus that the community desires
2 in some of the following points:

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

5 A conservation and enhancement of existing
6 building value, especially in particular to this
7 case, by filling a vacant space with an important
8 and required use for this community.

9 The Reexamination Plan recognizes for our
10 proposed site the following information:

11 Permitted use in the -- the permitted use
12 in the R, Low Density District does not allow a
13 daycare center. Therefore we require a D
14 variance.

15 As noted in Mr. Spatz's report of August
16 18th, only the rear setback did not conform.

17 However, it is an existing nonconforming
18 condition and apparently the architect pointed
19 out some others that cannot change.

20 Off-street parking has a -- has a
21 requirement of six parking spaces.

22 And since the drawings were first
23 submitted, Mr. Perez has just testified that he
24 immediately negotiated with the building owner,
25 securing the six spaces in the front of West

1 Street entrance, plus three in the driveway
2 adjacent to the -- and adjacent to the building.

3 Mr. Perez has testified that together with
4 the landlord, he has solved the parking problem
5 and parking will not be a -- will not be a
6 problem.

7 The Board members heard that the operator
8 will attempt to hire teachers from the
9 neighborhood who would walk to work or take
10 existing public transportation which is very well
11 organized in the City -- in this City; many bus
12 stops just blocks away.

13 You also heard testimony of the hours of
14 operation and the process of drop-off and pick-up
15 of the children by their parents or guardians.

16 Mr. Chairman, the following was my
17 foundational testimony and my proofs follow.

18 Should you still want -- want testimony --

19 Excuse me, I -- I took out that paragraph.
20 Didn't want to go there.

21 In my review of the surrounding
22 neighborhood and see -- seeing the effort that
23 was made to secure the parking via the close
24 working arrangement between the building owner
25 and the tenant, the -- the remaining use or D-1

1 variance requires circumstances in which special
2 reasons are required to be explained.

3 And I believe that -- that this use will
4 help us to encourage municipal action to guide
5 the appropriate use or development of all lands.

6 Provide adequate light and air in -- in
7 this building, because it has existing operable
8 windows to promote a desirable environment
9 through creative development techniques which
10 will be completed in the construction documents,
11 with the checking of the operation of all of the
12 building's mechanical systems.

13 Expansion of the existing fire suppression
14 system.

15 And upgrading of the fire alarm system.

16 Encourage -- encourage a plan unit with
17 structural improvements which incorporate the
18 best features of design and relate to the type,
19 and design, and layout of this particular case of
20 several classrooms and -- and support spaces.

21 Providing health, safety and welfare
22 environment for those young children and the
23 adults who are charged with their supervision and
24 the teaching of the children, will fill a space
25 upon your approval.

1 I encourage the coordination of the various
2 public and private procedures with a view of
3 lessening the cost of such development and -- and
4 to more efficient use of existing vacant space.

5 Positive criteria -- criteria is proposed
6 use is not allowed by the Ordinance, but in
7 approving this application as members of the
8 Board, you will be supporting a facility that
9 compliments the size and the scale of the more
10 recent architecture existing or close by in the
11 district for much improved useful condition, over
12 keeping a vacant space instead of creating a --
13 and creating a safe place for the community's
14 preschool age children.

15 The proposed use of this infill interior
16 renovation as stated is aligning with the
17 positive goals of the City's Reexamination Report
18 as follows:

19 In allowing for the appropriate mix of
20 building types and uses, the elimination of what
21 today is just a vacant interior space.

22 The proposed renovation reinforces the City
23 as a desirable location for existing and new
24 families in close proximity to a place that will
25 help those that the general welfare is served.

1 Because of the use is peculiarly fitted to
2 the -- to this particular space, which is the --
3 which is the variance that we are seeking, in
4 that the site and the existing vacant space is
5 the most suitable for the proposed use.

6 The negative criteria -- covering the
7 negative criteria.

8 I believe that the architect and above all,
9 the client and the applicant, and the landlord
10 have worked together to solve some of the
11 inherent problems this existing vacant space had.

12 In addition, the client/applicant has
13 worked with the building owner to secure parking
14 and will look to hire local talent, teachers,
15 which will go a long way in helping the -- any
16 parking situation that may develop.

17 And building -- and building the economy by
18 retaining this local talent.

19 Therefore, in my professional opinion as a
20 planner, to the intent and purpose of the Zone
21 Plan and the Zoning Ordinance, and the members of
22 -- of the City of Union City Zoning Board of
23 Adjustment, can grant approval of this
24 application.

25 Further, it's my opinion that in accordance

1 with the Master Plan and the Municipal Land Use
2 Law, there is a balanced land use pattern that
3 preserves the existing, while at the same time of
4 improving the potential vibrancy of the entire
5 neighborhood.

6 Thank you very much for listening.

7 MR. LOPEZ: Mr. Eben, just a couple of
8 questions.

9 There are basically two bulk variances
10 which are -- Mr. Pereiras testified are
11 preexisting.

12 A minimum front yard and a minimum rear
13 yard.

14 The minimum front yard -- well again,
15 they're both preexisting and they're
16 nonconforming.

17 Do you believe any of these required bulk
18 variances have any type of negative impact on the
19 proposed project?

20 MR. EBEN: No negative impact.

21 And then the front yard is very, very well
22 -- very maintained, well maintained landscaping
23 that I assume is going to be kept up by the
24 building owner.

25 MR. LOPEZ: And based on some of the

1 | questions, the prior questions of -- of the
2 | Board, and as always, there's a concern regarding
3 | the drop-off -- pick-up and drop-off area for
4 | children owing obviously to the paramount concern
5 | of the children's safety.

6 | Can you comment on your professional
7 | opinion as to the appropriatenesses (sic)
8 | appropriateness of this drop -- particular drop-
9 | off and pick-up area?

10 | MR. EBEN: This is a very -- this is a very
11 | good drop-off area because as Mr. Pereiras had
12 | testified, the vehicles can pull up parallel to
13 | the curb.

14 | There is actually no curb. The curb is
15 | depressed there; it's like a driveway.

16 | You can pull right up there.

17 | The children get out on the -- on the
18 | passenger side of the vehicle.

19 | And like -- like most of the daycare center
20 | operators that I've worked with, there is a
21 | process of how a child is dropped off and how a
22 | child is taken back by the parent or the
23 | guardian.

24 | So, I believe that that's a very well
25 | organized, better than even a parking lot where

1 -- where you would have, like on some sites where
2 you have a parking lot and people pull in and
3 pull out.

4 This is a very controlled situation.

5 MR. LOPEZ: Okay.

6 Thank you so much.

7 No -- no questions of the --

8 CHAIRPERSON GRULLON: Okay.

9 MR. LOPEZ: -- no further questions --

10 CHAIRPERSON GRULLON: Thank you.

11 MR. LOPEZ: -- of the planner.

12 CHAIRPERSON GRULLON: I have a -- I have a
13 question.

14 Could you please clarify for me the
15 parking?

16 Do -- are we requesting for a variance or
17 no?

18 On parking?

19 MR. EBEN: I'm having a hard -- I have a
20 hard time hearing, so.

21 CHAIRPERSON GRULLON: On the table, on the
22 park -- on the table for the -- for the
23 requirements?

24 MR. EBEN: Right.

25 We just -- we just went over those

1 requirements.

2 CHAIRPERSON GRULLON: Yeah.

3 For the parking.

4 MR. EBEN: They're existing nonconforming

5 --

6 CHAIRPERSON GRULLON: For parking, for
7 parking.

8 Are you requesting variance, or no?

9 MR. PEREIRAS: So, we are requesting a
10 variance, but it's a preexisting nonconformity --

11 CHAIRPERSON GRULLON: Okay.

12 MR. PEREIRAS: -- that we're actually
13 reducing.

14 CHAIRPERSON GRULLON: Because --

15 MR. PEREIRAS: And I don't have it --

16 CHAIRPERSON GRULLON: -- according to the
17 --

18 MR. PEREIRAS: -- on my chart. I -- I --
19 and -- and I apologize for that, but I think just
20 for safety and -- and for properness of this
21 Board, let's request for that variance.

22 We request that variance of you.

23 CHAIRPERSON GRULLON: Yes.

24 MR. LOPEZ: Yeah.

25 Mr. Chairman, the chart says no variance is

1 required.

2 You're absolutely correct.

3 We are seeking a variance.

4 The notice that was published does indicate
5 we would be seeking a parking variance.

6 CHAIRPERSON GRULLON: Oh, Mr. Spatz, for
7 this, are we going to have like eight to ten
8 employees there?

9 How many parking spaces is required for
10 that?

11 MR. SPATZ: The Ordinance requires one for
12 each employee.

13 The initial submission only had five
14 employees. That's why it needed a -- I indicated
15 that it needed five spaces.

16 They clarified that to say that they are
17 having -- they said eight employees per shift, so
18 they would need eight spaces for it.

19 CHAIRPERSON GRULLON: Okay.

20 MR. LOPEZ: One of the things that perhaps
21 wasn't clear on the testimony.

22 After the submission they've secured three
23 additional parking spaces --

24 CHAIRPERSON GRULLON: Sure.

25 MR. LOPEZ: -- from the landlord.

1 If -- Mr. Pereiras, if you can go into
2 this, or Alex --

3 MR. PEREZ: Yes.

4 MR. LOPEZ: -- Alex, can you please come up
5 one second?

6 MR. PEREZ: Yes. So --

7 MR. LOPEZ: Can you please explain --

8 MS. DILLON: Wait, wait, wait, wait.

9 MR. LOPEZ: Oh, I'm sorry.

10 MS. DILLON: You got to do this orderly, --

11 MR. LOPEZ: Yes.

12 MS. DILLON: -- please.

13 MR. LOPEZ: I'm sorry.

14 MS. DILLON: Go ahead.

15 MR. PEREZ: Hi.

16 Yes.

17 So we -- we have six parking spaces
18 directly in front of the center.

19 And then we also secured the -- the full
20 driveway that can accommodate a minimum three
21 cars in that driveway.

22 So, I guess we have a total of nine spaces,
23 not including the drop-off zone where the people
24 could drop off, line up.

25 And in that drop-off zone is six cars.

1 You can literally have three, possibly four
2 cars already pulled up there without causing any
3 traffic and congestion.

4 CHAIRPERSON GRULLON: Thank you.

5 Understood.

6 I just want to have that clear for the
7 record.

8 MR. LOPEZ: Yes.

9 MR. PEREZ: Yes.

10 CHAIRPERSON GRULLON: Thank you.

11 I don't have any more question.

12 Does anybody has any question?

13 No?

14 Does that conclude --

15 MR. LOPEZ: That concludes --

16 CHAIRPERSON GRULLON: your presentation?

17 MR. LOPEZ: -- our testimony.

18 CHAIRPERSON GRULLON: Okay.

19 Take into consideration that this
20 application is beneficial --

21 MS. DILLON: Open to the public.

22 CHAIRPERSON GRULLON: Pardon?

23 MS. DILLON: Open to the public.

24 CHAIRPERSON GRULLON: Oh, sorry, yes.

25 Any member of the public want step forward

1 for this application?

2 Seeing none.

3 Closed to the public.

4 Again, take into consideration that this
5 application is beneficial for the community and
6 is going to provide a very much needed service
7 for the kids of Union City, I make a motion to
8 grant this application.

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

11 Any second the motion?

12 VICE CHAIRPERSON GUTIERREZ: Second.

13 THE SECRETARY: Seconded by Miss Gutierrez.

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

16 Mr. Grullon?

17 CHAIRPERSON GRULLON: Yes.

18 THE SECRETARY: Miss Gutierrez?

19 VICE CHAIRPERSON GUTIERREZ: Yes.

20 THE SECRETARY: Mr. Garcia?

21 MR. GARCIA: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Ortiz?

25 MR. ORTIZ: Yes.

1 THE SECRETARY: Miss Pena?

2 MS. PENA: Yes.

3 THE SECRETARY: Miss Perez?

4 MS. PEREZ: Yes.

5 THE SECRETARY: Seven in favor.

6 Motion carries.

7 MR. LOPEZ: Thank you so much, Board
8 members.

9 CHAIRPERSON GRULLON: Thank you, Mr. Lopez.

10 VICE CHAIRPERSON GUTIERREZ: You're
11 welcome.

12 MS. DILLON: Can I just have one minute?

13 MR. PEREZ: Thank you very much.

14 MR. PANEQUE: Yes.

15 VICE CHAIRPERSON GUTIERREZ: You're
16 welcome.

17 CHAIRPERSON GRULLON: Thank you.

18 MR. PANEQUE: We're going to take a --

19 MS. DILLON: Just one minute.

20 I want to get some information.

21 MR. PANEQUE: One minute.

22

23 (Off the record at 7:00 p.m.)

24 (On the record at 7:07 p.m.)

25 * * *

1 **KW NJ Holdings, LLC -**

2 **2501 West Street:**

3

4 MS. DILLON: On the record.

5 THE SECRETARY: Next application on

6 tonight's agenda, KW NJ Holdings, LLC, 21 -- 2501
7 West Street.

8 Miss Pereiras, please?

9 MS. PEREIRAS: Thank you very much, Mr.
10 Vallejo.

11 Good evening, Mr. Chairman, Counsel,
12 members of the Board.

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

15 The Board may recall that you accepted our
16 jurisdictional proofs at the July meeting.

17 However, at that time, we received a memo
18 from the Building Department that did not
19 correlate with our -- what we had on file.

20 The Building Department recognized this
21 building as fully commercial, when our
22 application called for a mixed use building and
23 conversion of one commercial space to
24 residential.

25 I'm in the process of trying to clear this

1 up with Chasan Leyner Lamparello's office, the
2 attorneys for the Building Department.

3 But obviously I need a little more time to
4 see if we can clear that up completely so that we
5 have a revised memo for the Board.

6 So, at this time, I'm asking for an
7 adjournment.

8 CHAIRPERSON GRULLON: Okay, Ms. Pereiras.

9 The adjournment is going to be for the next
10 meeting on October 14.

11 MS. PEREIRAS: Great.

12 CHAIRPERSON GRULLON: I make a motion to
13 adjourn this application to the next meeting,
14 October 14.

15 THE SECRETARY: Motion --

16 MR. PANEQUE: No further notices are
17 required.

18 MS. PEREIRAS: Thank you.

19 CHAIRPERSON GRULLON: No further notice are
20 required.

21 THE SECRETARY: Motion on the table to
22 adjourn this application for October 14 by Mr.
23 Grullon.

24 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

25 THE SECRETARY: Seconded by Miss Gutierrez.

1 Roll call on the motion.

2 Mr. Grullon?

3 CHAIRPERSON GRULLON: Yes.

4 THE SECRETARY: Miss Gutierrez?

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Garcia?

7 MR. GARCIA: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Ortiz?

11 MR. ORTIZ: Yes.

12 THE SECRETARY: Miss Pena?

13 MS. PENA: Yes.

14 THE SECRETARY: Miss Perez?

15 MS. PEREZ: Yes.

16 THE SECRETARY: Seven in favor.

17 Motion carries.

18 MS. PEREIRAS: Thank you very much.

19

20 * * *

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1 **510 Bergenline Avenue, LLC -**

2 **510-514 Bergenline Avenue:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, 510 Bergenline Avenue, LLC.

6 Miss Pereiras, please?

7 MS. PEREIRAS: Thank you.

8 MR. PANEQUE: Thank you.

9 Let the record reflect that I've been
10 provided by Ms. Pereiras with a certification of
11 the publication and service which indicates that
12 notice of tonight's hearing regarding the
13 property at 510-514 Bergenline Avenue, was
14 provided to all property owners within the 200
15 foot radius of the property in question.

16 I've also been provided with a copy of the
17 newspaper article.

18 It appears this newspaper article was
19 published on August 28th.

20 Ms. Pereiras, do you have the affidavit?

21 MS. PEREIRAS: I believe that's all we
22 received from The Jersey Journal at this time.

23 MR. PANEQUE: Okay.

24 Because it's not in affidavit form.

25 For purposes of tonight's hearing, we're

1 going to proceed with the condition that the
2 affidavit be provided.

3 MS. PEREIRAS: Absolutely.

4 MR. PANEQUE: Okay?

5 MS. PEREIRAS: I believe that's what we
6 received via email.

7 MR. PANEQUE: Yeah.

8 MS. PEREIRAS: We have not received the
9 original --

10 MR. PANEQUE: Yeah.

11 MS. PEREIRAS: -- correspondence in the
12 mail.

13 MR. PANEQUE: Because this is just the
14 proof of the ad.

15 MS. PEREIRAS: Um-hum.

16 MR. PANEQUE: It does state in the proof
17 that it was to be published on August 28th.

18 But without the affidavit, we have no
19 verification of that.

20 MS. PEREIRAS: Understood.

21 As soon as I receive it, I will forward
22 that to the Board.

23 MR. PANEQUE: Okay.

24 So, Mr. Vallejo, that's going to be a
25 condition for this matter to be presented for

1 resolution at the --

2 THE SECRETARY: The --

3 MR. PANEQUE: -- next meeting.

4 THE SECRETARY: -- publication?

5 MR. PANEQUE: Okay.

6 I have also been provided by Ms. Pereiras
7 with a copy of the 200 foot list from the Union
8 City Building Department which has a date of
9 August 26 with respect to the property at 510-514
10 Bergenline Avenue.

11 And I've been provided with the certified
12 mail receipts with a postmark date of August 30th.

13 Do you have a copy, Ms. Pereiras, of the
14 notice that went out to the property owners?

15 MS. PEREIRAS: It's identical to the
16 publication.

17 MR. PANEQUE: Okay.

18 We just need to have it for the file.

19 MS. PEREIRAS: As soon as I have a
20 printout, Counsel, but I will forward that as
21 well.

22 MR. PANEQUE: Okay.

23 MS. PEREIRAS: Again, identical to the
24 publication.

25 MR. PANEQUE: All right.

1 So, that would be part 2 of the --

2 MS. PEREIRAS: Sure.

3 MR. PANEQUE: -- qualifications.

4 All right.

5 Based on the documentation that has been
6 provided to this Board, this Board has
7 jurisdiction under the condition that the
8 affidavit of publication be provided, which would
9 be the last condition.

10 You may proceed.

11 Thank you.

12 MS. PEREIRAS: Thank you very much,
13 Counsel.

14 Again, Bianca Pereiras, on behalf of the
15 applicant for property located at 510-514
16 Bergenline Avenue, also known as Lots 16, 17, 18,
17 in Block 24.

18 The application before the Board this
19 evening is to demolish the two buildings that are
20 there now that have not been used for quite some
21 time and to create four new lots with a two-
22 family on each lot.

23 There is another application that was
24 submitted simultaneously with this one, to
25 construct three, three-families prior to the

1 change in the Ordinance.

2 That is pending before the Planning Board.

3 However, it is our hope that this Board
4 will deem this application favorable as we think
5 it's a much better application.

6 And if this Board were to deem favorably,
7 we would withdraw that application before the
8 Planning Board.

9 But I did want to bring that to the Board's
10 attention.

11 This is a subdivision with four new two-
12 family homes.

13 We have two experts to testify before the
14 Board this evening.

15 I'd like to present our first architect Mr.
16 Manuel Pereiras.

17 MR. PEREIRAS: Manny Pereiras.

18 I recognize that I am still under oath.

19 MS. PEREIRAS: Mr. Pereiras, are you
20 familiar with the property at 510-514 Bergenline
21 Avenue?

22 MR. PEREIRAS: I am.

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

25 MR. PEREIRAS: I did.

1 MS. PEREIRAS: And would you kindly
2 describe the project for the Board?

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

4 The property that we're talking about is
5 the Club Monty.

6 I think we all know it.

7 VICE CHAIRPERSON GUTIERREZ: Um-hum.

8 MR. PEREIRAS: There have been a series of
9 problems with that because of the use of the --
10 the building, and as well as the structure.

11 The first thing we want to do off the bat
12 is demolish the entire thing.

13 Right now it occupies the majority of the
14 lot in this L-shape as a larger structure, and
15 then a one-story structure over here.

16 And there's a parking lot here.

17 So what we have here, are three distinct
18 lots that are 25 by 100 each.

19 And at the time of this --

20 MS. DILLON: Hold the mic a little --

21 MR. PEREIRAS: I'm sorry.

22 MS. DILLON: Blowing us out here.

23 MR. PEREIRAS: Lower?

24 I'm sorry.

25 All right.

1 At the time of this application, we
2 submitted, a three-family house was a permitted
3 use in Union City.

4 So, we had an -- two applications
5 simultaneously submitted to the Board.

6 One, which is three, three-families.

7 And that is an as of right application that
8 is currently before the Planning Board.

9 However, we recognize that Union City is
10 moving away from three-families.

11 And we know that we have an as of right
12 application for those three, three-families, but
13 we want to do something that fits better into
14 this neighborhood.

15 So, we've working very closely with the
16 City. We've worked closely through
17 professionals, David Spatz.

18 And we thought that what would work really
19 well was actually something that was presented to
20 us directly across the street.

21 If you look across the street from this
22 project, you have a series of houses facing the
23 street in this way.

24 And we thought while that really makes a
25 lot of sense, and the scale is right and it's

1 appropriate.

2 So, rather than doing the three, three-
3 families that are huge that occupy the entire
4 lot, we're going to make smaller structures that
5 are two-family houses and present them in the
6 opposite direction, so that we have a series of
7 four, two-family structures.

8 In addition to that --

9 MR. PANEQUE: Okay.

10 MR. PEREIRAS: -- what we did --

11 MR. PANEQUE: Mr. Pereira, --

12 MR. PEREIRAS: -- is we --

13 MR. PANEQUE: -- hold a second, please.

14 You're testifying with a site plan on your
15 easel that doesn't match what we have.

16 You have four lots there.

17 I'm looking at three.

18 My Chairman --

19 MR. PEREIRAS: So you're --

20 MR. PANEQUE: -- has three.

21 MR. PEREIRAS: -- looking at the drawings
22 that are supposed to be before the Planning
23 Board, not the Zoning Board.

24 MR. PANEQUE: Okay.

25 VICE CHAIRPERSON GUTIERREZ: Oh.

1 MR. PEREIRAS: So, maybe the wrong file,
2 Mr. --

3 CHAIRPERSON GRULLON: Yes.

4 We got the three --

5 THE SECRETARY: That's what we have.

6 That's where we get it from you.

7 MR. PEREIRAS: No.

8 We have -- we have two submissions to the
9 Board.

10 One for the Planning Board, and one for the
11 Zoning Board.

12 You probably have another file.

13 CHAIRPERSON GRULLON: Yes, even the memo
14 doesn't --

15 MR. PANEQUE: Yeah.

16 CHAIRPERSON GRULLON: -- doesn't match all
17 the --

18 MR. PANEQUE: I didn't want you to go on --

19 MS. PEREIRAS: Sure.

20 MR. PANEQUE: -- and I'm noticing this and
21 --

22 MR. PEREIRAS: Yeah.

23 MR. PANEQUE: -- I know my eyes are not
24 that good, but I can see four lots there.

25 MR. PEREIRAS: Mr. Carballo (sic), we

1 submitted --

2 MS. PEREIRAS: That's definitely the --

3 MR. PEREIRAS: -- two different projects --

4 THE SECRETARY: Oh --

5 MS. PEREIRAS: -- Planning Board

6 application.

7 MR. PEREIRAS: -- for you.

8 THE SECRETARY: -- properties into four

9 lots and construct new two family.

10 Yeah.

11 MR. PEREIRAS: Yeah.

12 And -- and you do -- we did submit that.

13 That's properly submitted --

14 THE SECRETARY: We had another --

15 MR. PEREIRAS: -- but to the Planning

16 Board, not the Zoning Board.

17 THE SECRETARY: -- we had another

18 application with another set --

19 MS. PEREIRAS: Right.

20 MR. PEREIRAS: Yes.

21 THE SECRETARY: -- in records --

22 MR. PANEQUE: Okay.

23 THE SECRETARY: -- in the office.

24 MR. PANEQUE: Okay.

25 Do you have those back at the office?

1 Okay.

2 THE SECRETARY: Because there should be
3 the two applications for the same site.

4 MS. PEREIRAS: Right.

5 MR. PEREIRAS: Yes.

6 THE SECRETARY: One to the Planning.
7 One to the Zoning.

8 That's why it started getting --

9 MR. PEREIRAS: It's an easy confusion --

10 MS. PEREIRAS: We understand --

11 MR. PEREIRAS: -- to make.

12 MS. PEREIRAS: -- it's confusing, Mr.
13 Vallejo.

14 MR. PEREIRAS: Luckily I have the easel to
15 my side.

16 Can I present it and maybe move a little
17 bit closer so the entire Board could see it?

18 MR. PANEQUE: No.

19 MR. PEREIRAS: No.

20 MR. PANEQUE: No.

21 MR. PEREIRAS: Okay.

22 MR. PANEQUE: I -- I don't want to -- this
23 -- this application is quite intricate.

24 MS. PEREIRAS: Um-hum.

25 MR. PEREIRAS: It is.

1 MR. PANEQUE: And it's not fair to the
2 Board members if they don't have the app -- the
3 plans.

4 THE SECRETARY: Hold on one second.

5 MR. PANEQUE: Furthermore, you know, if
6 they want to make notations on it and so forth.

7 MR. PEREIRAS: It's fair.

8 MR. PANEQUE: So, I apologize on behalf of
9 the Board.

10 We're going to have to carry this so that
11 the -- the right plans will be presented.

12 THE SECRETARY: (Indiscernible).

13 (Whereupon, the Secretary conferred with
14 Mr. Paneque.)

15 MR. PANEQUE: It's up to the Chairman.

16 THE SECRETARY: Give me 15, 20 minutes I
17 can get it.

18 (Whereupon, there was a pause in the
19 proceedings, while Counsel and Chairperson
20 Grullon discussed scheduling.)

21 CHAIRPERSON GRULLON: Because we rather --
22 we got to have the plans in front of us.

23 MR. PEREIRAS: I'd rather everything be
24 perfect and there's --

25 CHAIRPERSON GRULLON: Yes.

1 VICE CHAIRPERSON GUTIERREZ: Yeah. Yeah.

2 MR. PEREIRAS: -- no question, so --

3 VICE CHAIRPERSON GUTIERREZ: Yeah, exactly.

4 MR. PEREIRAS: -- let's -- let's adjourn.

5 MS. PEREIRAS: Because there's two separate
6 applications, it's best --

7 MR. PEREIRAS: Yeah.

8 MS. PEREIRAS: -- that we're not --

9 MR. PEREIRAS: Confused. Yeah.

10 MS. PEREIRAS: -- there's no confusion
11 there.

12 THE SECRETARY: We -- we write the correct
13 application.

14 All right, let me --

15 MR. PANEQUE: Carlos, we're going to have
16 to save these.

17 Right?

18 CHAIRPERSON GRULLON: Yes.

19 THE SECRETARY: Huh?

20 MR. PANEQUE: You're going to need to save
21 these for the Planning Board just in case.

22 THE SECRETARY: Yeah, we're going to --
23 we're going to keep those in folder.

24 MR. PANEQUE: Yeah.

25 MR. PEREIRAS: And just so the Board knows,

1 | if we get approved on this Board, we're not even
2 | going to the Planning Board.

3 | We'll be withdrawing that application.

4 | MS. PEREIRAS: Right.

5 | MR. PANEQUE: Okay.

6 | MR. PEREIRAS: The -- the Planning Board --

7 | MR. PANEQUE: Do you have a date --

8 | MR. PEREIRAS: -- is just a --

9 | MR. PANEQUE: -- on that one?

10 | MR. PEREIRAS: -- literally a Plan B.

11 | MR. PANEQUE: Do you have a hearing date on
12 | that, or not yet?

13 | MR. PEREIRAS: Not yet.

14 | MS. PEREIRAS: We do not.

15 | MR. PEREIRAS: We were waiting --

16 | MS. PEREIRAS: We were --

17 | MR. PEREIRAS: -- pending this.

18 | MS. PEREIRAS: -- we were hoping to resolve
19 | this --

20 | MR. PANEQUE: Okay.

21 | MS. PEREIRAS: -- one tonight and then
22 | proceed on that one.

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

25 | THE SECRETARY: Off the record.

1 Off the record please.

2 MS. DILLON: Off the record?

3 THE SECRETARY: Yes.

4 MS. DILLON: Yes, sir.

5

6 (Off the record at 7:19 p.m.)

7 (On the record at 7:21 p.m.)

8

9 MS. DILLON: On the record.

10 THE SECRETARY: Ms. Pereiras, please?

11 MS. DILLON: No.

12 You have to adjourn the other one, Carlos.

13 MR. PANEQUE: Make a motion to adjourn.

14 MS. DILLON: Carlos, you have to adjourn
15 the other one.

16 THE SECRETARY: All right.

17 Motion to adjourn 510 Bergenline Avenue by
18 Mr. --

19 CHAIRPERSON GRULLON: I make a motion to
20 adjourn this.

21 THE SECRETARY: -- Grullon.

22 VICE CHAIRPERSON GUTIERREZ: Second.

23 THE SECRETARY: Second -- seconded by Miss
24 Gutierrez.

25 Next meeting will be 10/14/2021.

1 Roll call on the motion to adjourn this
2 application for October 14.

3 Mr. Grullon?

4 CHAIRPERSON GRULLON: Yes.

5 THE SECRETARY: Miss Gutierrez?

6 VICE CHAIRPERSON GUTIERREZ: Yes.

7 THE SECRETARY: Mr. Garcia?

8 MR. GARCIA: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Mr. Ortiz?

12 MR. ORTIZ: Yes.

13 THE SECRETARY: Miss Pena?

14 MS. PENA: Yes.

15 THE SECRETARY: Miss Perez?

16 MS. PEREZ: Yes.

17 THE SECRETARY: Seven in favor.

18 Motion carries.

19 MS. PEREIRAS: Thank you.

20 * * *

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1 **Lidia Camacho -**

2 **713 7th Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, Lidia Camacho, 713 7th Street.

6 MS. PEREIRAS: Bianca Pereiras, on behalf
7 of Lidia Camacho, for 713 7th Street.

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 signed by Ms. Pereiras, indicating
13 that notice of tonight's hearing with respect to
14 the property at 713 7th Street was provided to all
15 property owners within the 200 foot radius,
16 giving notice of the hearing at this location.

17 I've also been provided with a proof of
18 publication from The Jersey Journal which
19 allegedly was published on August 28th.

20 Ms. Pereiras, the same condition that
21 applied to the previous one, applies to this one.

22 MS. PEREIRAS: Absolutely.

23 MR. PANEQUE: We must have the affidavit of
24 publication from The Jersey Journal in order to
25 validate the jurisdiction of this Board.

1 MS. PEREIRAS: Of course.

2 MR. PANEQUE: I've also been provided with
3 the certified mail receipts for the date of
4 August 30th postmark date.

5 And I've also been provided with a list of
6 the property owners promulgated from the tax
7 collector's (sic) office with a date of August
8 26th, noting all property owners within the 200
9 foot radius of 713 7th Street.

10 What I also need is a copy of the notice
11 that was sent to the property owners --

12 MS. PEREIRAS: I will forward --

13 MR. PANEQUE: -- and that will --

14 MS. PEREIRAS: -- that as well.

15 MR. PANEQUE: -- then complete the
16 jurisdictional requirements.

17 MS. PEREIRAS: Yes.

18 MR. PANEQUE: Based on the documentation
19 that have been provided with the conditions of
20 the documents that are still to be submitted,
21 this Board has jurisdiction to proceed and hear
22 this matter.

23 MS. PEREIRAS: Thank you, Counsel.

24 MR. PANEQUE: Now, Ms. Pereiras, I
25 understand that there's an issue with the

1 Building Department memo?

2 MS. PEREIRAS: Yes.

3 The application before this Board this
4 evening was to legalize one unit in an existing
5 residential building.

6 However, the memo from the Building
7 Department recognizes this structure as fully
8 commercial.

9 So, obviously that needs to be rectified
10 and we will proceed and -- and deal with the
11 Building Department to be able to do that.

12 So, at this point we're asking to have the
13 matter carried with no need for further
14 publication or notices so that we can correct the
15 memo issue.

16 CHAIRPERSON GRULLON: Yes.

17 Thank you, Ms. Pereiras.

18 I make a motion to carry this -- adjourn
19 this application for the next meeting without
20 notice.

21 THE SECRETARY: Motion to carry this
22 application for October 14 by Mr. Grullon.

23 VICE CHAIRPERSON GUTIERREZ: I'm
24 seconding.

25 THE SECRETARY: Seconded by Miss Gutierrez.

1 Roll call on the motion to adjourn this
2 application.

3 Mr. Grullon?

4 CHAIRPERSON GRULLON: Yes.

5 THE SECRETARY: Miss Gutierrez?

6 VICE CHAIRPERSON GUTIERREZ: Yes.

7 THE SECRETARY: Mr. Garcia?

8 MR. GARCIA: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Mr. Ortiz?

12 MR. ORTIZ: Yes.

13 THE SECRETARY: Miss Pena?

14 MS. PENA: Yes.

15 THE SECRETARY: Miss Perez?

16 MS. PEREZ: Yes.

17 THE SECRETARY: Seven in favor.

18 Motion carries.

19 No new notice required.

20 MS. PEREIRAS: Thank you.

21 THE SECRETARY: Thank you.

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1 **Mesivta Sanz of Hudson County -**

2 **3401 New York Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, Mesivta Sanz of Hudson County,
6 3401 New York Avenue.

7 Miss Pereiras, please?

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

10 MR. PANEQUE: For the record, I've been
11 provided by Ms. Pereiras with a certification as
12 to publication and service, indicating that
13 notice of tonight's hearing at this location with
14 respect to the property at 3401 New York Avenue,
15 Union City, was provided to all property owners
16 within 200 foot radius, and advising them of them
17 of the variances that are being requested by the
18 applicant.

19 I've also been provided with an ad content
20 proof from the local Jersey Journal which
21 indicates that this publication was to be
22 published on August 28th, '21.

23 Same condition as previously stated, Ms.
24 Pereiras, with the other applications.

25 We're going to need to see the affidavit of

1 publication in order to --

2 MS. PEREIRAS: Of course.

3 MR. PANEQUE: -- confirm the jurisdiction
4 of this Board.

5 I've also been provided with the certified
6 mail receipts with a postmark date of August 30th,
7 as well as the tax assessor's list with the date
8 of August 26th, noting all property owners within
9 the 200 foot radius of 3401 New York Avenue.

10 The only other condition I have is we need
11 a copy of the actual notice that went out with
12 your mailing.

13 MS. PEREIRAS: Of course.

14 MR. PANEQUE: With those conditions, this
15 Board has jurisdiction to proceed and hear this
16 matter.

17 MS. PEREIRAS: Counsel, it was my
18 understanding that the Board would not have been
19 able to get to this matter.

20 And I had previously agreed to carry this.

21 I have no objection that; to it being
22 carried to the October 14th meeting date.

23 CHAIRPERSON GRULLON: Yes.

24 Thank you, Ms. Pereiras.

25 MS. PEREIRAS: Of course.

1 CHAIRPERSON GRULLON: This is a large
2 application that I want to have the opportunity
3 to listen to the entire testimony.

4 And also for any of the Board members if
5 they want to visit the area before --

6 MS. PEREIRAS: Sure.

7 CHAIRPERSON GRULLON: -- you know, the
8 meeting, will give us more time.

9 Thank you for -- for understanding and
10 carrying this application.

11 MS. PEREIRAS: Absolutely.

12 We appreciate what you do, so --

13 CHAIRPERSON GRULLON: Yes, sure.

14 MS. PEREIRAS: -- of course.

15 CHAIRPERSON GRULLON: Make a mo --

16 MR. PANEQUE: I'm sorry, Mr. Grullon.

17 CHAIRPERSON GRULLON: Yes.

18 MR. PANEQUE: Before we proceed, Ms.
19 Pereiras, Mr. Vallejo has provided me with one of
20 the envelopes that has come back --

21 MS. PEREIRAS: Okay.

22 MR. PANEQUE: -- with your notice on this
23 application, which contains the copy of the
24 notice.

25 So, for purposes of my conditions, the

1 notice does state that tonight, September 9th,
2 this Board will hear the application with respect
3 to the property at 3401 New York Avenue, at this
4 location with the variances that are being
5 sought.

6 The only other condition is the affidavit
7 of publication on this one.

8 MS. PEREIRAS: Thank you, Counsel.
9 And thank you, Mr. Vallejo.

10 MR. PANEQUE: Thank you.
11 Mr. Gullon?

12 CHAIRPERSON GRULLON: Thank you.
13 Thank you.

14 For that I'll -- I just want to make the
15 motion to carry this application to October 14
16 meeting.

17 THE SECRETARY: Motion on the table to
18 adjourn this application for October 14 meeting
19 by Mr. Gullon.

20 VICE CHAIRPERSON GUTIERREZ: I'm
21 seconding.

22 THE SECRETARY: Seconded by Miss Gutierrez.
23 Roll call on the motion to adjourn this
24 application.

25 No new notice required.

1 Mr. Grullon?

2 CHAIRPERSON GRULLON: Yes.

3 THE SECRETARY: Miss Gutierrez?

4 VICE CHAIRPERSON GUTIERREZ: Yes.

5 THE SECRETARY: Mr. Garcia?

6 MR. GARCIA: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Mr. Ortiz?

10 MR. ORTIZ: Yes.

11 THE SECRETARY: Miss Pena?

12 MS. PENA: Yes.

13 THE SECRETARY: Miss Perez?

14 MS. PEREZ: Yes.

15 THE SECRETARY: Seven in favor.

16 Motion carries.

17 MS. PEREIRAS: Thank you.

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1 BB 6th Holdings, LLC -

2 733-35 6th Street:

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4 THE SECRETARY: Now --

5 MR. PANEQUE: Thank you.

6 MS. PEREIRAS: Last one.

7 THE SECRETARY: Next application on

8 tonight's agenda, BB 6th Holding, LLC, 733-35 6th
9 Street.

10 Miss Pereiras, please?

11 MS. PEREIRAS: Bianca Pereiras, on behalf
12 of the applicant BB 6th Holdings, LLC.

13 MR. PANEQUE: Let the record reflect that
14 I've been provided by Miss Pereiras with a
15 certification as to publication and service,
16 signed by Miss Pereiras, indicating the notice of
17 tonight's hearing at this location with respect
18 to the property at 733 6th Street, was given to
19 all property owners within the 200 foot radius.

20 The notice does indicate the variances that
21 are being sought from this Board.

22 I've also been provided with a copy of an
23 ad content proof from The Jersey Journal with the
24 notice for tonight's hearing on this matter with
25 an alleged publication date of August 28th, 2021.

1 Miss Pereiras, the condition is that we
2 need to have the affidavit of publication in
3 order to have the jurisdictional issue complied
4 with.

5 MS. PEREIRAS: Of course, Counsel.

6 MR. PANEQUE: And I've also been provided
7 with copies --

8 Strike that.

9 -- with the certified mail receipts with a
10 postmark date stamp of August 30th, as well as the
11 200 foot list promulgated from the tax assessor's
12 office with a date of August 26th, with respect to
13 all properties within the 200 foot radius of 733
14 6th Street.

15 The only other condition is copy of the
16 notice that actually went out, and that will
17 satisfy then all of the conditions for
18 jurisdictional.

19 But based on those conditions being
20 provided, this Board will accept jurisdiction.

21 MS. PEREIRAS: Thank you, Counsel.

22 We have a similar issue on this
23 application.

24 We were seeking to legalize or to convert
25 commercial space in a mixed use building to

1 residential.

2 However, the memo from the Building
3 Department does not recognize all the residential
4 structures that we have on file with this
5 building.

6 I am working with Scarinci Hollenbeck's
7 office to try to rectify this matter, but I will
8 need some time to see if the Board -- or the
9 Building Department is able to revise that memo
10 in time for the Board's next meeting.

11 And so, I respectfully ask that this matter
12 carried until October 14th with no need to re-
13 notice and republish.

14 CHAIRPERSON GRULLON: I make a motion to
15 carry this matter to the next Board meeting,
16 October 14.

17 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

18 THE SECRETARY: Motion on the -- on the
19 table to carry this application for October 14 by
20 Mr. Grullon.

21 Seconded by Miss Gutierrez.

22 Roll call on the motion.

23 Mr. Grullon?

24 CHAIRPERSON GRULLON: Yes.

25 THE SECRETARY: Miss Gutierrez?

1 VICE CHAIRPERSON GUTIERREZ: Yes.

2 THE SECRETARY: Mr. Garcia?

3 MR. GARCIA: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Mr. Ortiz?

7 MR. ORTIZ: Yes.

8 THE SECRETARY: Miss Pena?

9 MS. PENA: Yes.

10 THE SECRETARY: Miss Perez?

11 MS. PEREZ: Yes.

12 THE SECRETARY: Seven in favor.

13 Motion carries.

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1 **STATEMENT REGARDING MEMBERS OF THE PUBLIC IN**
2 **ATTENDANCE:**

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4 MR. PANEQUE: Mr. Vallejo, and with the
5 permission of the Chairman and the Board, I just
6 want to make notation for the record.

7 And that is, on the applications that were
8 adjourned this evening, I just want to note that
9 the record is clear that there are no members
10 sitting in the public at this time.

11 So, the public -- it was never open to the
12 public at any time.

13 And it was never advised for the public.

14 So, these matters were going to be carried
15 to October 14th.

16 The reason being that there's no one in the
17 public to hear that notice.

18 THE SECRETARY: Thank you, Mr. Paneque.

19 MS. PEREIRAS: Thank you all very much.

20 Have a good night.

21 VICE CHAIRPERSON GUTIERREZ: Good night.

22 CHAIRPERSON GRULLON: Thank you.

23 MR. PEREIRAS: Thank you everyone.

24 MR. PANEQUE: Good night.

25 * * *

1 **RESOLUTIONS:**

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3 (1) Resolution to appoint the Attorney to the
4 Zoning Board of Adjustment; retroactive on July
5 1, 2021 through June 30, 2022.

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7 THE SECRETARY: All right.

8 We're moving to Resolutions now.

9 Resolution number 1.

10 To appoint Attorney of the -- to the Zoning
11 Board of Adjustment; retroactive on July 1st, 2021
12 through June 30, 2022.

13 Can I have a motion?

14 CHAIRPERSON GRULLON: Motion.

15 THE SECRETARY: Motion by Mr. Grullon.

16 VICE CHAIRPERSON GUTIERREZ: Second.

17 THE SECRETARY: Seconded by Miss Gutierrez.

18 Roll call on the motion.

19 Mr. Grullon?

20 CHAIRPERSON GRULLON: Yes.

21 THE SECRETARY: Miss Gutierrez?

22 VICE CHAIRPERSON GUTIERREZ: Yes.

23 THE SECRETARY: Mr. Garcia?

24 MR. GARCIA: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Ortiz?

3 MR. ORTIZ: Yes.

4 THE SECRETARY: Miss Pena?

5 MS. PENA: Yes.

6 THE SECRETARY: Miss Perez?

7 MS. PEREZ: Yes.

8 THE SECRETARY: Seven in -- seven in favor.

9 Motion carries.

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RESOLUTIONS:

- (2) Francisco Rodriguez. 3300 Hudson Avenue.
Block 202 Lot 1. Existing commercial space in a
mixed-use building will be converted to
residential. If approved, the property will
consist of seven residential units. **Approved**
- (3) Olvein Velez. 405 33rd Street. Block 194
Lot 27. Legalize 7th residential unit. **Approved**
- (4) Iglesia Pentecostal Arca de Dios. 2000
West Street. Block 109 Lot 26. Conditional use
(d-3). Place of Worship. **Approved**

THE SECRETARY: We're going now to
Resolution 2, 3 and 4.

Resolution 2.

Francisco Rodriguez, 3300 Hudson Avenue.

Was approved at the previous meeting.

Resolution number 3.

Olvein Velez, 405 33rd Street.

Was approved at the previous meeting.

Resolution number 4.

Iglesia Pentecostal Arca de Dios, 2000 West
Street.

Was approved at the previous meeting.

1 Can I have a motion to memorialize these
2 Resolutions?

3 CHAIRPERSON GRULLON: Motion.

4 THE SECRETARY: Motion by Mr. Grullon.

5 VICE CHAIRPERSON GUTIERREZ: Second.

6 THE SECRETARY: Seconded by Miss Gutierrez.

7 Roll call on the motion.

8 Mr. Grullon?

9 CHAIRPERSON GRULLON: Yes.

10 THE SECRETARY: Miss Gutierrez?

11 VICE CHAIRPERSON GUTIERREZ: Yes.

12 THE SECRETARY: Mr. Garcia?

13 MR. GARCIA: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Mr. Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Miss Pena?

19 MS. PENA: Yes.

20 THE SECRETARY: Oh, I'm sorry.

21 I -- I am going to go back.

22 Okay.

23 Motion by Mr. Grullon.

24 Seconded by Miss Gutierrez.

25 Roll call on the motion.

1 Mr. Grullon?

2 CHAIRPERSON GRULLON: Yes.

3 THE SECRETARY: Miss Gutierrez?

4 VICE CHAIRPERSON GUTIERREZ: Yes.

5 THE SECRETARY: Mr. Garcia?

6 MR. GARCIA: Yes.

7 THE SECRETARY: Mr. Ortiz?

8 MR. ORTIZ: Yes.

9 THE SECRETARY: Miss Perez?

10 MS. PEREZ: Yes.

11 THE SECRETARY: Five in favor.

12 Motion carries.

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1 **ADJOURNMENT:**

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3 THE SECRETARY: There not being other
4 applications on tonight agenda, can I have a
5 motion to close tonight's meeting?

6 MR. ORTIZ: Motion.

7 VICE CHAIRPERSON GUTIERREZ: Motion.

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

10 VICE CHAIRPERSON GUTIERREZ: Second.

11 THE SECRETARY: By Mr. Medina.

12 MR. MEDINA: Yes.

13 THE SECRETARY: All in favor?

14

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

16

17 THE SECRETARY: The ayes have it.

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

20 Thank you and goodnight, everyone.

21

22 (Whereupon, the proceedings were concluded
23 at 7:35 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

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

11

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Doreen A. Bolognini

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25 Monitored and proofread by: Deborah Dillon