

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, November 18, 2021
Commencing at 6:11 p.m.

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

GEORGE GARCIA
MIGUEL ORTIZ, (Arrived at 6:26 p.m.)
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4,
(Arrived at 6:17 p.m.)
MARGARITA GUTIERREZ, Vice Chairperson
VICTOR M. GRULLON, Chairperson

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

LIBERO MAROTTA
JOHN MEDINA
ROSIO PENA, Alternate No. 1

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

HEYER, GRUEL AND ASSOCIATES

BY: LEIGH FLEMING, PP, AICP, Board Planner,
(Arrived at 6:32 p.m.)

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

CHRISTINA A. VERGARA, ESQ.,
Attorney for Applicant, Manuel Henriquez Guzman

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Lirios De Los Valles

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Isaac Rosenberg

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Edwin Narvaez

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Tianyi Ding

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219 46th Street

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4015 New York Avenue

WITNESSPAGE

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Issac Rosenberg
145 35th Street

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Edwin Narvaez
1311 New York Avenue

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BB 6th Holdings, LLC
733-35 6th Street

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Manuel J. Pereiras

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Tianyi Ding
1209 New York Avenue

WITNESSPAGE

Manuel J. Pereiras

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1 MS. DILLON: Okay.

2 On the record.

3 THE SECRETARY: Please take notice that on
4 Thursday, November 18, 2021, at six p.m., a
5 Regular Meeting is scheduled for the City of
6 Union City Zoning Board of Adjustment, to be held
7 in the Union City High School, located at 25 --
8 2500 John F. Kennedy Boulevard, Union City, New
9 Jersey.

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

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

19 Roll call for tonight's meeting.

20 Oh, I'm sorry.

21 First, everybody kindly rise to salute the
22 flag, please?

23

24 (Whereupon, the Pledge of Allegiance was
25 said by all.)

1

2 THE SECRETARY: Thank you.

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 Miss Gutierrez?

12 VICE CHAIRPERSON GUTIERREZ: Here.

13 THE SECRETARY: Mr. Ortiz is absent.

14 Mr. Garcia?

15 MR. GARCIA: Here.

16 THE SECRETARY: Mr. Medina, he move out of
17 town.18 I got a phone call from him today. He's
19 going to send an email.

20 Thank you.

21 Miss Pena?

22 Is absent.

23 Miss Perez?

24 MS. PEREZ: Here.

25 THE SECRETARY: Mr. Cetinich?

1 MR. CETINICH: Here.

2 THE SECRETARY? Ms. Watley's on the way but
3 is absent at this time.

4 Let the record indicate there are five
5 present.

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1 **ADOPTION OF MINUTES:**

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3 Regular Meeting Held on October 14, 2021.

4

5 THE SECRETARY: Approval of previous
6 meeting minutes.

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

9 Approval of previous meeting minutes from
10 October 14, 2021.

11 Can I have a motion?

12 CHAIRPERSON GRULLON: Motion.

13 THE SECRETARY: Motion --

14 VICE CHAIRPERSON GUTIERREZ: Second.

15 THE SECRETARY: -- by Mr. Grullon.

16 Seconded by Miss Gutierrez.

17 Roll call on the motion.

18 Mr. Grullon?

19 CHAIRPERSON GRULLON: Yes.

20 THE SECRETARY: Miss Gutierrez?

21 VICE CHAIRPERSON GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Garcia?

23 MR. GARCIA: Yes.

24 THE SECRETARY: Miss Perez?

25 MS. PEREZ: Yes.

1 THE SECRETARY: Mr. Cetinich?

2 MR. CETINICH: Yes.

3 THE SECRETARY: Five in favor.

4 Motion carries.

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1 **PUBLIC HEARING: REVOCATION OF APPROVAL:**

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3 (1.) Retraction of approval of variances for DDIS
4 Union City LLC, 717 Bergenline Avenue, Block 35,
5 Lot 7.01 due to error during presentation of
6 case. Matter to be re-heard at the December 9,
7 2021 meeting with notice requirement.

8

9 THE SECRETARY: We are going to move at
10 this time to Resolutions.

11 Resolution number 1.

12 No, we're going to change. We're going to
13 Resolution number 2.

14 MR. PANEQUE: I can explain Resolution
15 number 1 if you want.

16 THE SECRETARY: Number 1?

17 MR. PANEQUE: Yeah.

18 THE SECRETARY: You don't want to explain
19 -- you're going to go first to the hearing of
20 revocation of approval that item number 1 --

21 MR. PANEQUE: Yes.

22 THE SECRETARY: -- on the agenda?
23 Please.

24 MR. PANEQUE: Yeah, that's fine.

25 THE SECRETARY: Go ahead, Mr. Paneque.

1 Go ahead -- go ahead.

2 MR. PANEQUE: Thank you.

3 Mr. Chairman, ladies and gentlemen of the
4 Board, with respect to Resolution number 1 from
5 DDIS Union City LLC, if you recall this as an
6 application that had been before the Board on
7 three different occasions starting in July.

8 It -- it was adjourned on each of the
9 occasions due to a revision of the Building
10 Department memo.

11 When it finally got to us with the correct
12 memo, Mr. Alonso incorrectly recollected that
13 there had been testimony provided at the previous
14 hearings with respect to the site plan.

15 It turned out that there had not been
16 testimony. When I was in the process of
17 preparing the Resolution and went through the
18 transcripts, we discovered that even though the
19 expert witness had been called, the meeting had
20 been stopped at that moment to deal with the
21 issue of the memo. So, there was never any
22 testimony from the expert witness.

23 A vote of approval was taken based on the
24 short testimony that was provided at the last
25 meeting in October.

1 However, that short testimony is not enough
2 to substantiate the approval, and therefore, the
3 approval now is before the Board for revocation.

4 Mr. Alonso has been advised and he's going
5 to come back before the Board on December 9th with
6 a requirement of notices to all the public and
7 publication. So, that is why this Resolution of
8 revocation is before you today for approval.

9 THE SECRETARY: Let's vote -- let us
10 -- they vote first on the explanation of the
11 revocation of the approval, like that.

12 Then later on we can go to the Resolution?

13 MR. PANEQUE: Yes.

14 THE SECRETARY: All right.

15 Can I have a motion?

16 CHAIRPERSON GRULLON: First --

17 THE SECRETARY: Motion by --

18 CHAIRPERSON GRULLON: -- first to
19 counselor.

20 THE SECRETARY: All right.

21 CHAIRPERSON GRULLON: He's requesting to
22 re-notice and bring -- and to present this on the
23 December 9 meeting.

24 MR. PANEQUE: Yes.

25 CHAIRPERSON GRULLON: And he's going to

1 bring all the witnesses again?

2 MR. PANEQUE: He will bring the witnesses.

3 CHAIRPERSON GRULLON: We'll -- we'll treat
4 it as a -- as a totally new application.

5 MR. PANEQUE: It will be a de novo
6 application --

7 CHAIRPERSON GRULLON: We're not considering
8 any testimony from the previous --

9 MR. PANEQUE: Correct.

10 CHAIRPERSON GRULLON: -- witness.

11 Okay.

12 MR. PANEQUE: Yes.

13 CHAIRPERSON GRULLON: Okay.

14

15 (Whereupon, Board Member Mindry Watley
16 arrived at 6:17 p.m.)

17

18 THE SECRETARY: Let's put in the record
19 that Miss Watley joined the meeting. We have now
20 six members.

21 CHAIRPERSON GRULLON: Do we have to make a
22 -- a vote to revoke the approval?

23 MR. PANEQUE: Correct.

24 CHAIRPERSON GRULLON: Okay.

25 Then with that I make a motion to --

1 THE SECRETARY: To accept --

2 CHAIRPERSON GRULLON: -- make a motion to
3 revoke the approval, the previous approval of
4 this application.

5 THE SECRETARY: Motion --

6 VICE CHAIRPERSON GUTIERREZ: And I'm
7 seconding.

8 THE SECRETARY: -- motion made by Mr.
9 Grullon.

10 Seconded by Miss Gutierrez.

11 Roll call on the motion to revoke the
12 approval.

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: Miss Perez?

20 MS. PEREZ: Yes.

21 THE SECRETARY: Mr. Cetinich?

22 MR. CETINICH: Yes.

23 THE SECRETARY: Six in favor.

24 Motion carries.

25 * * *

1 **Manuel Henriquez Guzman -**

2 **219 46th Street:**

3

4 MR. PANEQUE: Do you want to start with
5 case number 2 and then leave the Resolutions for
6 last since we now have --

7 THE SECRETARY: Yeah.

8 MR. PANEQUE: -- six members?

9 THE SECRETARY: Yeah -- we --

10 MR. PANEQUE: Okay.

11 THE SECRETARY: Yes, let's -- let's go to
12 -- to number 2.

13 Manuel Henriquez Guzman, 219 46th Street.

14 MS. VERGARA: How are you?

15 My notices to the Board attorney.

16 Thank you.

17 MR. PANEQUE: Thank you.

18 MS. DILLON: Your appearance --

19 MS. VERGARA: Let me know when you're
20 ready?

21 MS. DILLON: -- please?

22 MS. VERGARA: Yup.

23 Christina Vergara, V as in Victory, E-R-G-
24 A-R-A.

25 MR. PANEQUE: For the record, I've been

1 provided by Counsel with a list of property
2 owners within the 200 foot radius of the property
3 in question, 219 46th Street, Block 271, Lot 23.
4 This list is -- was promulgated by the Tax
5 Assessor's Office with a date of October 15th,
6 2021.

7 I've also been provided with the certified
8 mail receipts; however, there is no postmark
9 stamp on them.

10 Do we have a certification?

11 MS. VERGARA: We have a certification. I
12 think I provided it to Carlos, but I don't have
13 the original on me. I can obviously at this --

14 MR. PANEQUE: Okay.

15 MS. VERGARA: -- at this time --

16 MR. PANEQUE: You provided it to Mr.
17 Vallejo?

18 MS. VERGARA: I -- I did provide the
19 package to you.

20 MR. PANEQUE: Mr. Vallejo?

21 THE SECRETARY: If you provide, I should
22 have it.

23 MS. VERGARA: I hope.

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

1 MR. PANEQUE: Counsel, do you have anything
2 that will show when these certified mail receipts
3 were actually postmarked?

4 MS. VERGARA: I'm going to look right now
5 in the file.

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

8 MS. VERGARA: If I had my computer here I
9 would. I don't have anything physically in the
10 file. I know that they -- I -- I know that these
11 went -- I know -- obviously I can attest to you
12 that they went out and -- on October 18th.

13 But again, I can't see the --
14 (indiscernible) -- here.

15 Let me make sure.

16 THE SECRETARY: Did you send it by email?

17 MR. PANEQUE: What I have here --

18 MS. VERGARA: I definitely --

19 MR. PANEQUE: -- is also --

20 MS. VERGARA: -- have them, but --

21 MR. PANEQUE: Yeah.

22 For the record, what I have here that Mr.
23 Vallejo has provided me is the same document that
24 you have just given me.

25 MS. VERGARA: Um-hum.

1 MR. PANEQUE: But we are missing the
2 certification --

3 MS. VERGARA: Of mailing.

4 MR. PANEQUE: -- from your office that it
5 was mailed.

6 MS. VERGARA: Okay.

7 MR. PANEQUE: And the -- the certified mail
8 receipts are not postmark stamped, so I --
9 there's no way for me to verify whether you've
10 met the ten day rule.

11 MS. VERGARA: Understood.

12 I -- the certification should have been
13 sent and I apologize. I don't know why it was
14 not. I don't have anything in my physical file.
15 I do know they were sent. And I have that
16 certification. But obviously, that's not going
17 to be very helpful for this purpose right now.

18 MR. PANEQUE: That -- that was marked
19 September.

20 It's Ms. Vergara.

21 Right?

22 MS. VERGARA: Yes.

23 MR. PANEQUE: Okay. If I can ask you for
24 -- if I can make a suggestion?

25 MS. VERGARA: Okay.

1 MR. PANEQUE: If you Google some of these

2 --

3 MS. VERGARA: We can do that.

4 MR. PANEQUE: -- with the United States
5 Postal Service.

6 MS. VERGARA: Um-hum.

7 MR. PANEQUE: Okay?

8 And get for me when they were sent out, and
9 then make your statement on the record. We will
10 accept that pending a certification to be
11 provided at a later date.

12 MS. VERGARA: I will provide --

13 MR. PANEQUE: I'm just going to ask you to
14 --

15 MS. VERGARA: -- it to them.

16 MR. PANEQUE: -- go on the internet and see
17 if you can track when these -- at least a couple
18 of them --

19 MS. VERGARA: Okay.

20 MR. PANEQUE: -- so we can make that
21 representation to the Board.

22 MS. VERGARA: Okay.

23 MR. PANEQUE: Okay?

24 MS. VERGARA: Let me just --

25 MR. PANEQUE: Let me just see some --

1 Carlos, this appears to have been for
2 previous hearing because it doesn't match --

3 MS. VERGARA: Yeah, we were here -- we were
4 going to be before the Board --

5 MR. PANEQUE: Okay.

6 MS. VERGARA: -- prior to, so we had to
7 re-notice.

8 MR. PANEQUE: Yeah, so this is for the
9 September one. Yeah.

10 MS. VERGARA: Thank you.

11 MR. PANEQUE: You're welcome.

12 All right, so on this case, we're going to
13 set it aside and continue to the next one.

14 When you're ready, just give us a wave and
15 we'll take you next.

16 MS. VERGARA: I appreciate --

17 MR. PANEQUE: Okay?

18 MS. VERGARA: -- it.

19 MR. IZQUIERDO: So, the case is not going
20 to be heard tonight?

21 MR. PANEQUE: It is.

22 MR. IZQUIERDO: Oh, it is.

23 MR. PANEQUE: Provided that --

24 MR. IZQUIERDO: Subject to.

25 MR. PANEQUE: Subject to, yeah.

1 MR. IZQUIERDO: Okay.

2 MR. PANEQUE: I need some verification that
3 these notices went out.

4 MR. IZQUIERDO: And an affidavit of
5 service.

6 MR. PANEQUE: And the affidavit of service.

7 MR. IZQUIERDO: Yes.

8 MR. PANEQUE: Correct.

9 All right, let's set this one aside, Mr.
10 Vallejo.

11 THE SECRETARY: We are going to --

12 MR. PANEQUE: And proceed to the next one.

13 THE SECRETARY: All right.

14 We just hold on that for the -- for --

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1 **Lirios De Los Valles -**

2 **4015 New York Avenue:**

3

4 THE SECRETARY: Let me call now number 3.

5 Lirios De Los Valles, 4015 New York Avenue.

6 Miss Pereiras, please?

7 MS. PEREIRAS: Good evening, Counsel, Mr.

8 Chairman, members of the Board.

9 Bianca Pereiras, on behalf of the

10 applicant.

11 As the Board may recall, we were here last
12 month. I believe not all of the members had been
13 familiar with this original application, and we
14 adjourned it so that the members could read the
15 transcript.

16 So before I begin, I'd just like to confirm
17 that that was in fact handled?

18 MR. PANEQUE: That was sent out. I can
19 attest that notices were sent out to all the
20 members via email for them to read the
21 transcripts and for them to sign the
22 certification which is being done right now.

23 MS. PEREIRAS: Good.

24 MR. PANEQUE: So once the certification is
25 signed we can proceed.

1 MS. PEREIRAS: Great.

2 Thank you, Counsel.

3 MR. PANEQUE: Okay.

4 MR. GARCIA: I already did mine, yeah.

5 THE SECRETARY: Okay. I have --

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

8 THE SECRETARY: I got three.

9 MR. PANEQUE: Three.

10 THE SECRETARY: I got three.

11 MR. PANEQUE: The other people were here?

12 THE SECRETARY: Mr. Cetinich is going to
13 abstain.

14 MR. PANEQUE: Okay.

15 THE SECRETARY: He has a property across
16 the street from it; --

17 MR. PANEQUE: Okay.

18 THE SECRETARY: -- the application.

19 MR. PANEQUE: So then we have five members.

20 MS. PEREIRAS: Yes.

21 THE SECRETARY: Yes.

22 MR. PANEQUE: Okay.

23 Let the record reflect that I've been
24 provided with the certification from the
25 following Board members, certifying that they did

1 not attend the meeting of October 11th, 2018.

2 No, that doesn't sound right.

3 MS. PEREIRAS: We presented on October
4 11th, 2018, and the Resolution was memorialized
5 November 1st, 2018.

6 MR. PANEQUE: Okay.

7 I -- I stand corrected.

8 Got it.

9 MS. PEREIRAS: Okay.

10 MR. PANEQUE: I guess -- thank you, Mr.
11 Vallejo.

12 The certifications indicate that the
13 members did not attend the meeting; however, they
14 have read the transcripts of the minutes of those
15 meeting, and they're certifying that they've done
16 so.

17 I have certifications signed by Mr. George
18 Garcia.

19 I have a certification signed by Ms.
20 Geraldine Perez.

21 And a certification signed by Ms. Mindry
22 Watley.

23 As such, these members can now proceed to
24 hear your application and vote on the matter.

25 MS. PEREIRAS: Thank you very much.

1 The Board may recall, we were in front of
2 the --

3

4 (Whereupon, Board Member Miguel Ortiz
5 arrived at 6:26 p.m.)

6

7 THE SECRETARY: Allow --

8 Miss --

9 MS. PEREIRAS: -- in front of you --

10 THE SECRETARY: -- Miss Pereiras, allow me
11 --

12 MS. PEREIRAS: Sure.

13 THE SECRETARY: -- two seconds, please.

14 Let the record indicate there are seven
15 members present. Mr. Ortiz joined the meeting at
16 6:26.

17 Thank you.

18 MR. PANEQUE: If we --

19 THE SECRETARY: Oh, need one more --

20 MR. PANEQUE: -- could have Mr. Ortiz also
21 sign, and therefore, then we'll have one more
22 voting member.

23 THE SECRETARY: Allow me --

24 MS. PEREIRAS: Right.

25 THE SECRETARY: -- two seconds.

1 MR. PANEQUE: Yes.

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

4 MR. PANEQUE: All right.

5 For the record, I have been provided with a
6 certification indicating that Mr. Ortiz did not
7 attend the Zoning Board Meeting on October 11th,
8 2018.

9 However, he has brought himself up to speed
10 by reading the transcripts and the minutes of
11 that meeting. Certification is signed by Mr.
12 Miguel Ortiz.

13 Therefore, Mr. Ortiz has capacity to vote
14 on tonight's application.

15 MS. PEREIRAS: Thank you very much.

16 On that October 18th, 2018 application
17 meeting, we presented to this Board an
18 application to convert an existing warehouse for
19 space for a congregation to use. That
20 application was approved. Part of our testimony
21 was that due to limited funds of the church at
22 that time, they would have to build in phases.

23 Our architect Mr. Manuel Pereiras testified
24 at that time that they were trying to move into
25 that first floor space as soon as possible

1 | because the lease at their current location was
2 | expiring, and the hope was that at a future date,
3 | they would be able to renovate the second story
4 | and operate and occupy that space as well.

5 | The testimony was made part of the
6 | Resolution; however, the Building Department has
7 | refused to issue permits on the basis that there
8 | is no clear indication that this Board has no
9 | objection to them actually constructing in
10 | phases.

11 | So, the reason we are before the Board this
12 | evening is for the modification to that
13 | Resolution to allow them to build in two phases.
14 | That is the only request before the Board this
15 | evening, and I hope that is not too much of an
16 | inconvenience to this Board.

17 | CHAIRPERSON GRULLON: Thank you, Miss
18 | Pereiras.

19 | Miss Pereiras, as you mentioned, the --
20 | they already occupy the first floor? That means
21 | they already completing one of the stages.

22 | MS. PEREIRAS: No. So --

23 | CHAIRPERSON GRULLON: Would you --

24 | MS. PEREIRAS: -- they have not. They
25 | tried to pull permits and the City refused to

1 | issue them because the construction documents
2 | only called for work on the first floor. And
3 | when the Building Department read the Resolution,
4 | they believed that permits would have to be taken
5 | out for the entire building. So, unfortunately,
6 | they have still not been able to move into the
7 | space.

8 | CHAIRPERSON GRULLON: I see. Okay.

9 | Then the application testimony that we
10 | present was mainly for the ground floor?

11 | MS. PEREIRAS: Correct.

12 | CHAIRPERSON GRULLON: And -- and at this
13 | time, what they intending to do is to renovate
14 | the second floor?

15 | MS. PEREIRAS: Yes. We had testimony to
16 | operate both -- or to occupy both floors, but
17 | funds just didn't allow them to do both -- all
18 | that work at one time.

19 | So, the initial goal was to have them
20 | complete the renovation to the first floor, get
21 | the congregation in there, and --

22 | CHAIRPERSON GRULLON: Yes.

23 | MS. PEREIRAS: -- then when funds were a
24 | little better, actually do the work on the second
25 | story.

1 CHAIRPERSON GRULLON: Yeah, I know. Since
2 this was 2018 --

3 MS. PEREIRAS: Correct.

4 CHAIRPERSON GRULLON: -- do you have any
5 sketches or -- or any -- anything that you can
6 show -- show us of what they're intending to do
7 on the second floor?

8 MS. PEREIRAS: I can ask our architect,
9 who's been very much involved with the applicant
10 and with the Building Department, as to those
11 efforts.

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

14 For the record, Manny Pereira.

15 MS. DILLON: Please raise your right hand.

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

18 MR. PEREIRAS: I do.

19 MS. DILLON: Thank you.

20

21 (Whereupon, Leigh Fleming, Board Planner,
22 arrived at 6:32 p.m.)

23

24 MR. PEREIRAS: Thank you.

25 I do have the drawings to my left.

1 The applicants were proposing originally an
2 addition to the rear, over here; and the second
3 story over the entire building with a very
4 attractive façade renovation to make it look like
5 a church.

6 The problem -- and the Board approved that
7 as is. The problem is that they want to move in
8 for only this portion, which is the existing
9 portion, and that's what they're currently
10 requesting, and not do the addition or the second
11 floor; just renovate that first floor to make it
12 adequate for assembly space.

13 The plans were always to use that first
14 floor as an assembly. That was their multi-
15 purpose room. The chapel -- the proper chapel
16 will -- would be in the second floor.

17 THE SECRETARY: We are here.

18 MR. PEREIRAS: But in the meantime, for the
19 next year or so, they want to use that ground
20 floor as their chapel as well and move in just
21 there.

22 CHAIRPERSON GRULLON: And the plan that
23 you're showing us now, were they presented on the
24 original application?

25 MR. PEREIRAS: This is the exact drawings

1 | that were presented at the original application.

2 | And -- and just so that the Board
3 | understands how confusing this is, the Building
4 | Department issued permits for construction. They
5 | issued permits for sprinklers. They did the
6 | work, and then when they sought to get the CO so
7 | that they could actually move in there, then the
8 | issue came about that that Resolution in the
9 | perspective of the Building Department was
10 | deficient, even though it does mention, and the
11 | testimony does mention that this is in phases.

12 | CHAIRPERSON GRULLON: I see. Okay.

13 | I understand.

14 | It's clear that the request was to -- to
15 | renovate the building and start construction on
16 | the -- on the ground floor, you know, or move in
17 | to the ground floor --

18 | MR. PEREIRAS: Um-hum.

19 | CHAIRPERSON GRULLON: -- and then
20 | eventually complete the construction. And that
21 | my question is how -- how much time do they have
22 | for -- for a Resolution to be, let's say we
23 | approve a Resolution in 2018, do they still have
24 | that Resolution active?

25 | MR. PANEQUE: Well, the Resolution serves

1 | its purpose of approving the project for a period
2 | of two years for them to apply for permits, which
3 | they have done. So, for all intents and
4 | purposes, the Resolution is no longer an
5 | instrument that is guiding this project. The --
6 | the project is being guided now by the permits
7 | that have been issued.

8 | Where I understand the problem to be is
9 | that they want to do this in stages and the
10 | Building Department is having an issue with that.

11 | Is that correct, Ms. Pereiras?

12 | MS. PEREIRAS: Correct. And in particular
13 | --

14 | MR. PANEQUE: Yeah.

15 | MS. PEREIRAS: -- they've just asked for
16 | clarification from this Board, that this Board
17 | has no objection to it being done --

18 | CHAIRPERSON GRULLON: Yes.

19 | MS. PEREIRAS: -- in phases.

20 | CHAIRPERSON GRULLON: My -- my question is
21 | because I'm trying to understand is -- a decision
22 | now is going to be on a -- amending the previous
23 | Resolution that, to me, it's already expired.

24 | MR. PANEQUE: Well --

25 | CHAIRPERSON GRULLON: This is going to be

1 treated as a new Resolution.

2 MR. PANEQUE: The Resolution itself did not
3 expire. The Resolution gave them a window of two
4 years in which they were to apply for permits,
5 which they did. So, that was the purpose of the
6 Resolution. Now, at this stage, we're well
7 beyond the two-year period but they're coming
8 back and asking for an interpretation of that
9 Resolution as to whether that Resolution intended
10 the applicant to have the ability to perform the
11 job in stages or in one single construction
12 project.

13 So, this Board can now make a
14 determination; one, yes, we agree that it was
15 intended to be in stages; or two, no, it has to
16 be done in one single project without any
17 intermittent break, or the CO has to be issued
18 for the entire thing, not in stages.

19 CHAIRPERSON GRULLON: Understood.

20 MR. PANEQUE: Does that surmise (sic) --
21 summarize what --

22 MS. PEREIRAS: Yes.

23 MR. PANEQUE: -- what's happening here?

24 CHAIRPERSON GRULLON: Thank you, Counselor.
25 That's clear with me.

1 MR. PEREIRAS: And just to add to the
2 complexity a little bit.

3 Our -- the applicant had a reliance on the
4 permits that were issued by the Building
5 Department, and they proceeded with the work
6 based on that reliance that those permits were
7 valid. So, it was an odd timing by the Building
8 Department to stop and request clarification at
9 the -- at the CO juncture and not at the issuing
10 of permits.

11 If this issue was at the issuing of
12 permits, we would have been here when the
13 Resolution was still valid; not that it's not
14 valid now. It's valid because the permits were
15 issued. But we would have been here a lot sooner
16 prior to any construction being done.

17 MS. PEREIRAS: And our testimony was always
18 clear from the very beginning that we would be
19 working in phases.

20 In fact, the Resolution as is, actually
21 points out the commentary from our expert saying
22 that it would be worked in phases. That's in the
23 Resolution. Unfortunately, the -- the Building
24 Department just wants something a little clearer.

25 CHAIRPERSON GRULLON: Understood.

1 MR. PANEQUE: If -- if I may?

2 Just as a point of clarification, either
3 Miss Pereiras or Mr. Pereiras, how many phases
4 are we looking at here?

5 And where are we?

6 Which phase are we at now at completion,
7 and which phases are still -- still open --

8 MR. PEREIRAS: So --

9 MR. PANEQUE: -- and what are the
10 timeframes that we're looking at?

11 MR. PEREIRAS: So, in theory, we have three
12 phases in total.

13 We have phase one, which is renovation of
14 the existing building on the interior and moving
15 in there so that they could have functioning
16 service. That is the phase that we're on now.
17 That's the -- that's what's in dispute whether
18 they can have a CO so that they could have
19 service, Sunday mass there, at the -- at this
20 current time.

21 There are two other aspects to this
22 project. One is a rear addition and one is a
23 second story addition. In theory, we want to
24 address both those things simultaneously. I do,
25 since we are at the Board and the question was

1 asked, I think it's prudent to give this church
2 flexibility and be able to handle this in three
3 phases; meaning phase one, enter the proper
4 structure, the existing con -- the existing
5 building.

6 Phase two, the addition to the rear.

7 And phase three, the second floor addition.

8 MR. PANEQUE: Has phase one been completed?

9 MR. PEREIRAS: Phase one has been
10 completed, less the CO.

11 MR. PANEQUE: Okay. So, the intent is to
12 get a CO on phase one so the congregation can
13 then occupy the space and start its use of the
14 property.

15 MR. PEREIRAS: Correct.

16 MR. PANEQUE: And then what is the
17 anticipated start date for phase two?

18 MR. PEREIRAS: It depends a lot on
19 financing. COVID has affected all of this
20 tremendously. So, right now they do not have
21 secured financing for phase two. It is a hope
22 that they will get this secured within the next
23 year. It is unknown at this time.

24 MR. PANEQUE: Are the permits that have
25 been issued also covering the phase two aspect

1 and phase three?

2 MR. PEREIRAS: They are not.

3 MR. PANEQUE: Okay.

4 So, at this point, if those permits do not
5 cover what was approved by the Resolution, we've
6 gone beyond the scope of what the Resolution
7 allow you to apply for.

8 MR. PEREIRAS: Not sure.

9 MS. PEREIRAS: We're hoping that with the
10 Permit Extension Act, the Board will -- or the
11 Building Department will not prohibit them going
12 forward on the second phase.

13 MR. PANEQUE: Well, the -- the Resolution
14 was approved --

15 MS. PEREIRAS: 2018.

16 MR. PANEQUE: -- November 1st, 2018. You
17 would have had a two-year window through November
18 1st, 2020.

19 MS. PEREIRAS: Correct.

20 MR. PANEQUE: There was never a request for
21 an extension.

22 MS. PEREIRAS: There was not.

23 MR. PANEQUE: One year has already passed
24 beyond that point.

25 MS. PEREIRAS: Um-hum.

1 MR. PANEQUE: That request should have been
2 made within the one year.

3 MS. PEREIRAS: Um-hum.

4 MR. PANEQUE: So, I -- I don't know if the
5 Permit Extension Act would carry you beyond that
6 point.

7 MS. PEREIRAS: I -- that was in the middle
8 of COVID, so I believe it still carries us
9 through next month, which would still give them
10 opportunity to bring in the construction --

11 MR. PANEQUE: Okay.

12 MS. PEREIRAS: -- documents for that second
13 phase.

14 MR. PEREIRAS: And I believe that since a
15 CO has not been issued, the current permits are
16 still open and it shows intent on moving forward
17 on this application. And I can update with
18 permit drawings for phase two prior to that being
19 closed out.

20 MR. PANEQUE: Okay.

21 MR. PEREIRAS: I believe.

22 MR. PANEQUE: But those permits only
23 specify phase one?

24 MR. PEREIRAS: The -- I actually did
25 construction documents for both phase two and

1 phase one.

2 MR. PANEQUE: Okay.

3 MR. PEREIRAS: The permits that were
4 submitted and issued were for just phase one.

5 MR. PANEQUE: Okay.

6 It -- it creates a quandary because -- or a
7 real dilemma in that nothing's been applied for
8 phase two and we're beyond the two-year period.
9 We're actually beyond the third year period now.

10 CHAIRPERSON GRULLON: And not only that,
11 you don't have a -- a timeline when you're going
12 to complete phase -- phase two and phase three.

13 If I may?

14 I would -- I would suggest that you
15 complete your phase one --

16 MS. PEREIRAS: Um-hum.

17 CHAIRPERSON GRULLON: -- try to get the CO.
18 And then when you're ready for phase two or phase
19 three, come back to us, and then we treat -- we
20 treat it as a addition to or expansion.

21 MS. PEREIRAS: And --

22 MR. PEREIRAS: That may be what we --

23 MS. PEREIRAS: -- we may --

24 MR. PEREIRAS: -- have to do.

25 MS. PEREIRAS: Right.

1 MR. PEREIRAS: But --

2 MS. PEREIRAS: We may have to analyze that
3 going forward. The point being, we cannot get a
4 CO unless the Resolution is modified to allow
5 them to have worked just on that first floor.

6 So, in order for them to get that CO, get
7 into that building, start occupying it, we need
8 an amended Resolution --

9 CHAIRPERSON GRULLON: Sure.

10 MS. PEREIRAS: -- from this Board.

11 CHAIRPERSON GRULLON: That's what I -- I
12 feel that that's what we should do, to try to --
13 to amend the Resolution to complete phase one --

14 MS. PEREIRAS: Um-hum.

15 CHAIRPERSON GRULLON: -- and leave it as
16 phase one for the moment, and then when you're
17 ready to do phase -- phase two or phase three,
18 then we move on and come back with an addition to
19 the application or something like that.

20 MS. PEREIRAS: I think that's fair,
21 Chairman.

22 The goal is to get them into that first
23 floor space --

24 CHAIRPERSON GRULLON: Yeah.

25 MS. PEREIRAS: -- as quickly as possible.

1 CHAIRPERSON GRULLON: And so, can we --

2 MS. PEREIRAS: This congregation is
3 homeless --

4 CHAIRPERSON GRULLON: -- can we --

5 MS. PEREIRAS: -- right now.

6 CHAIRPERSON GRULLON: -- do that? Amend
7 the Resolution just --

8 MR. PANEQUE: Yes.

9 CHAIRPERSON GRULLON: -- to remove the
10 phases from the previous Resolution; just leave
11 it as phase one for the ground floor.

12 MR. PANEQUE: Okay.

13 If this Board deems fit to allow an
14 amendment to the Resolution to only permit the
15 completion of phase one, we could draft a
16 Resolution that way; no problem. I would suggest
17 that if you're going to piggy-back onto the
18 Permit -- the Permit Extension Act --

19 MS. PEREIRAS: Um-hum.

20 MR. PANEQUE: -- that you do so as soon as
21 possible --

22 MS. PEREIRAS: Um-hum.

23 MR. PANEQUE: -- so that instead of a new
24 application for phase two and phase three, you
25 will be asking for an extension and that the

1 Board can consider at a later date.

2 MR. PEREIRAS: Um-hum.

3 MR. PANEQUE: Without having to present the
4 entire case again on phase two and phase three.

5 Okay?

6 CHAIRPERSON GRULLON: Definitely when you
7 have a timeline for construction.

8 MR. PANEQUE: Yeah.

9 MS. PEREIRAS: That's fair.

10 MR. PEREIRAS: And -- and part of the
11 difficulty here is that this is a sequential
12 process. We had to complete phase one to get to
13 phase two, and the CO was never issued. They
14 never got to move in. They were losing money
15 because they were paying two rents, and we
16 couldn't move forward to phase two.

17 MR. PANEQUE: Okay.

18 Open to the public?

19 CHAIRPERSON GRULLON: Any members of the
20 Board has any question on this application?

21 Hear none from the Board members?

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

24 MR. PANEQUE: Ms. Pereira, I'm being
25 advised that your client is a non-profit --

1 MS. PEREIRAS: It is.

2 MR. PANEQUE: -- organization, and therefore
3 there are no fees that are being charged by the
4 City.

5 MS. PEREIRAS: That's correct.

6 MR. PANEQUE: As such, since there's no
7 requirement for fees, the floor is being open to
8 you to make a request for an extension on your
9 feet which the Board may entertain at this time,
10 with respect to phase two and phase three, if you
11 can -- it's up to you.

12 MS. PEREIRAS: I -- I appreciate that and I
13 -- and I thank you for your suggestion, Mr.
14 Vallejo.

15 Yes, the applicant, this is a church.
16 They're a not-for-profit, and again, this is part
17 of the difficulties in -- in getting to come in
18 front of the Board again because of financing.

19 So, respectfully, we request that this
20 Board grant this applicant an extension as to
21 approvals, regarding all phases of construction
22 so that they can proceed with that development.

23 MR. PANEQUE: Okay.

24 It would be a two-part application. The
25 first one that we -- the Board would have to

1 address is whether they're going to bifurcate the
2 previous approvals so that you can get a CO as to
3 phase one.

4 And then the second, which would be a
5 separate Resolution, would be an extension of
6 phase two and phase three approvals if the Board
7 deems fit.

8 MS. PEREIRAS: Yes.

9 MR. PANEQUE: Mr. Grullon?

10 CHAIRPERSON GRULLON: Yes, I agree with
11 that because, like, the right move to do would be
12 like, proceeding on extension on phases two and
13 three.

14 MS. PEREIRAS: Okay.

15 CHAIRPERSON GRULLON: Then revising our
16 previous Resolution just to allow you to get the
17 -- just to allow you to get the CO. Because you
18 -- you don't need any more permit for that. You
19 have all your construction done on the ground
20 floor, and at this point you're only looking to
21 -- to get the CO. You don't need an extension --

22 MS. PEREIRAS: Yes.

23 CHAIRPERSON GRULLON: -- on the -- on the
24 previous --

25 MS. PEREIRAS: On the original.

1 CHAIRPERSON GRULLON: -- approval. I don't
2 have any objection with that.

3 MS. PEREIRAS: I think that would make this
4 case very clear, and I --

5 CHAIRPERSON GRULLON: Yeah.

6 MS. PEREIRAS: -- appreciate the courtesy.

7 CHAIRPERSON GRULLON: Yeah.

8 Any questions for the Board members?

9 At this time I want to open the -- this to
10 the public.

11 Any member of the public want to step
12 forward?

13 Hear none.

14 Closed to the public.

15 With that, I want to make a motion to grant
16 the -- to one-year extension.

17 MR. PANEQUE: Well, the first vote is going
18 to be on --

19 CHAIRPERSON GRULLON: Yeah.

20 MR. PANEQUE: -- the amendment to the
21 previous Resolution to allow for the Building
22 Department to issue a CO on phase one.

23 CHAIRPERSON GRULLON: Make a motion to --
24 to amend the previous --

25 THE SECRETARY: Motion to amend the

1 Resolution --

2 CHAIRPERSON GRULLON: -- Resolution --

3 THE SECRETARY: -- by Mr. Grullon.

4 CHAIRPERSON GRULLON: -- to reflect the --

5 to allow -- to allow the -- the applicant to

6 obtain the CO.

7 VICE CHAIRPERSON GUTIERREZ: Second with

8 all the conditions.

9 THE SECRETARY: Seconded by Miss Gutierrez.

10 Roll call on the motion.

11 Mr. Grullon?

12 CHAIRPERSON GRULLON: Yes.

13 THE SECRETARY: Miss Gutierrez?

14 VICE CHAIRPERSON GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Garcia?

16 MR. GARCIA: Yes.

17 THE SECRETARY: Mr. Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: Miss Perez?

20 MS. PEREZ: Yes.

21 THE SECRETARY: Miss Watley?

22 MS. WATLEY: Yes.

23 THE SECRETARY: Six in favor.

24 Motion carries.

25 MS. PEREIRAS: Thank you all.

1 THE SECRETARY: Now we are going to --

2 MR. PANEQUE: And now we'll deal with the
3 second part, which is the request for the
4 extension as to the Resolution with respect to
5 phase two and three.

6 Now, we are beyond the one-year period from
7 the two-year approval, so any extension that
8 would be granted would be for one year, and this
9 would be the final extension. So, that would
10 carry you through November of 2022 with a
11 stipulation that there will be no further
12 extensions. So, the applicant has to apply for
13 their permits on phase two and three, and at
14 least get the project off the ground within the
15 next one year.

16 MS. PEREIRAS: Okay.

17 MR. PANEQUE: Okay.

18 CHAIRPERSON GRULLON: And just to be clear,
19 that the phase two and three are the extension
20 and the renovation of the second floor.

21 MS. PEREIRAS: Yes.

22 CHAIRPERSON GRULLON: We got to -- I make a
23 motion to grant the one-year extension for phase
24 two and three on this application.

25 THE SECRETARY: Motion on the table to

1 grant one-year extension by Mr. Grullon.
2 Need a second.
3 VICE CHAIRPERSON GUTIERREZ: Second.
4 THE SECRETARY: Seconded by Miss Gutierrez.
5 Roll call on the motion.
6 Mr. Grullon?
7 CHAIRPERSON GRULLON: Yes.
8 THE SECRETARY: Miss Gutierrez?
9 VICE CHAIRPERSON GUTIERREZ: Yes.
10 THE SECRETARY: Mr. Garcia?
11 MR. GARCIA: Yes.
12 THE SECRETARY: Mr. Ortiz?
13 MR. ORTIZ: Yes.
14 THE SECRETARY: Miss Perez?
15 MS. PEREZ: Yes.
16 THE SECRETARY: Miss Watley?
17 MS. WATLEY: Yes.
18 THE SECRETARY: Six in favor.
19 Motion carries.
20 MS. PEREIRAS: Thank you all very much.
21 Thank you.
22 MR. PEREIRAS: Thank you, everyone.
23 MR. PANEQUE: Thank you.

24

25

* * *

1 **Manuel Henriquez Guzman -**

2 **219 46th Street:**

3

4 THE SECRETARY: All right.

5 We're going to -- back now to the Manuel
6 Henriquez Guzman, 219 46th Street.

7 MS. VERGARA: Thank you.

8 MR. PANEQUE: Okay.

9 MS. VERGARA: I appreciate that.

10 I did obtain, as I was sitting here with
11 limited service, I did get one, two, three, four,
12 five, six, seven, eight --

13 MR. PANEQUE: Okay.

14 MS. VERGARA: -- confirmations.

15 MR. PANEQUE: I just need you to place it
16 on the record. I'll ask you --

17 MS. VERGARA: No problem.

18 MR. PANEQUE: -- some questions, Ms.
19 Vergara.

20 Ms. Vergara, when we recessed on your
21 matter, the request was for you to verify the
22 date that the certified mail was sent out. Have
23 you been able to do that?

24 MS. VERGARA: Yes, I have.

25 And I have also been able to confirm

1 delivery as well.

2 MR. PANEQUE: Okay.

3 What was the date that the certified mail
4 was sent out on this application?

5 MS. VERGARA: October 18.

6 MR. PANEQUE: October 18?

7 MS. VERGARA: This was deliv -- I'm sorry,
8 October 21st, it was delivered.

9 MR. PANEQUE: October 21st --

10 MS. VERGARA: It was delivered.

11 MR. PANEQUE: -- delivered, and postmarked
12 at the Post Office?

13 MS. VERGARA: Correct.

14 MR. PANEQUE: Okay.

15 MS. VERGARA: And I have the verica --
16 verifications for eight of them here.

17 MR. PANEQUE: And that -- it -- it's your
18 certification to this Board verbally that the
19 receipts for the certified mail were placed in
20 the Post Office on October --

21 MS. VERGARA: Yes. The 21st.

22 MR. PANEQUE: -- 21st. Okay.

23 At this time, I'm going to advise the Board
24 that you have made this certification on the
25 record with the condition that you provide an

1 affidavit of service indicating that these
2 certified mails were sent out on October 21st and
3 provide to us -- was it with a return receipt or
4 without a return receipt?

5 MS. VERGARA: It was with a return receipt.

6 MR. PANEQUE: Okay.

7 I'm going to ask that within the next seven
8 days, okay, so by next -- well, next Thursday's
9 Thanksgiving, so let's scratch that. The Monday
10 following Thanksgiving, that you provide Mr.
11 Vallejo's office with your affidavit and any
12 receipts that have come back or any envelopes
13 that have been returned as undeliverable.

14 Okay?

15 Now, for the record, Ms. Vergara has
16 provided us with the 200 foot list, which I said
17 had a date of October 15.

18 She has provided us with an affidavit from
19 The Jersey Journal. Said affidavit indicates
20 that notice was published on November 5th giving
21 notice of the hearing at this location, Union
22 City High School, with respect to the property
23 located at 219 46th Street in Union City.

24 I also -- if I may have those return
25 receipts or those certified mail receipts,

1 please?

2 Thank you.

3 MS. VERGARA: Thank you.

4 MR. PANEQUE: I've also been provided with
5 the certified mail receipts and a verbal
6 verification by Ms. Vergara, attorney for the
7 applicant, that the mail notices went out on
8 October 21st.

9 Based on the documents that have been
10 provided, as well as the statements made by Ms.
11 Vergara and the undertaking of providing an
12 affidavit of service, this Board has jurisdiction
13 to proceed and hear this matter at this time.

14 MS. VERGARA: Thank you.

15 MR. PANEQUE: Thank you.

16 You may proceed.

17 MS. VERGARA: Thank you.

18 Mr. Chairman, ladies and gentleman of the
19 Board, we're here today; the applicant -- on
20 behalf of Manuel Henriquez Guzman, at 219 46th
21 Street. It's Lot 23, Block 271.

22 The applicant -- applicant is proposing to
23 legalize a one-bedroom unit in an existing two-
24 family residence and convert that to a three-
25 family residence. We are requesting a use

1 variance today, and there's also two other non-
2 conformities that we are requesting as well
3 before this Board today, indicating the
4 prevailing setback as well as the side yard and
5 parking spaces.

6 We have here today Jose Izquierdo who will
7 be testifying before the Board as the architect
8 and planner today. Mr. Izquierdo has been before
9 the Board today before, but I will also voir dire
10 him if -- if the Board does so require.

11 MS. DILLON: Let me swear him in.

12 Please raise the right -- your right hand.

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

15 MR. IZQUIERDO: Yes I do.

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

18 MR. IZQUIERDO: My name is Jose Izquierdo,
19 New Jersey Architect 09143, New Jersey Planner
20 03385.

21 CHAIRPERSON GRULLON: We --

22 MS. DILLON: Thank you.

23 CHAIRPERSON GRULLON: -- we accept your
24 qualifications, Mr. Izquierdo.

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

1 CHAIRPERSON GRULLON: Welcome back.

2 MS. VERGARA: Okay.

3 Mr. --

4 MR. IZQUIERDO: The Board gains
5 jurisdiction of this application because this is
6 a strict use variance. It's converting a two-
7 family to a three-family house by legalizing a
8 basement apartment. That would convert this two-
9 family house which consists of two, three-bedroom
10 apartments into a three-family house, by adding a
11 one-bedroom apartment in the basement.

12 The ground -- the -- the ground floor
13 apartment is composed of a three-bedroom unit of
14 963 square feet; however, the second floor is a
15 duplex unit together with the attic being a total
16 of 1857 square feet; still a three-bedroom
17 apartment but with two bathrooms.

18 That makes that this house to be fully
19 sprinklered because it's a two -- it's a three-
20 and-a-half story structure. It does not comply
21 with the single exit structure for the second
22 floor.

23 The applicant has already made provisions
24 to provide the water tap so that the -- the
25 street does not have to be repaved. At the time

1 that United Water was doing the water lines, the
2 applicant had a two-water meter installed at the
3 cross with the sidewalk.

4 So, it is my representation as the
5 architect that the applicant can -- the applicant
6 is a contractor, well-known in the City, and he
7 can connect to the two-inch meter underneath the
8 sidewalk to provide the fully sprinklered two-
9 family house.

10 In order to grant this application, the
11 Board needs to grant a use variance because a
12 three-family house is not an allowed use in the
13 R-District according to the recently enacted
14 revision to the Zoning Ordinance of Union City.

15 Required site area is 2500 square feet,
16 which complies.

17 The lot width is 25 feet, which complies.

18 The lot depth is a hundred feet, which
19 complies.

20 The front yard is ten feet, actually the
21 applicant has 11.40 feet and he has an existing
22 parking space in the front yard. He has only one
23 parking space.

24 By the way, the applicant lives in the
25 house next door. He lives at 217 46th Street.

1 His is a rental house that he -- he owns but he
2 also manages to the house that he lives right --
3 right beside.

4 The side yard requirements are two feet and
5 three feet, and this house has 2.0 feet on one
6 side, 6.0 feet on the other side, but it has a
7 zero feet condition because it has a -- a wall
8 on the property line. It does not affect any
9 other neighbor. It just effects the house that
10 he actually occupies as the owner.

11 The rear yard is allowed to be five feet,
12 and this house has 28 feet. It actually has a
13 very nice backyard.

14 The building height allowed is four
15 stories. That was the old Ordinance. It's
16 actually three stories now or 30 feet, and this
17 house has two-and-a-half stories or 35 feet.

18 Building coverage allowed is 85 feet, which
19 complies. Actually we're at 80 percent.

20 And the lot coverage allowed is 80 -- a
21 hundred percent and, we are at 80 percent.

22 The Residential Site Improvement Standards,
23 N.J.A.C. 5 21, requires two, three-bedroom
24 apartments and one, one-bedroom apartment to have
25 a total of 6-point parking spaces. The existing

1 one is 4.2 spaces, so we're requiring a variance
2 because we're exceeding by 1.8 spaces. Actually
3 we only have one space.

4 The minimum unit size complies since all
5 the units are very large. Actually the -- the
6 second floor unit, which is 1857 square feet is a
7 duplex. The ground floor unit is 983 square
8 feet, which also complies. And the basement unit
9 is 699 square feet, which complies.

10 The -- the use, even though it requires a
11 use variance, meets the positive standards of
12 Municipal Land Use Law because it is creating
13 density within an already dense city. So, the
14 only way that the city can basically grow at this
15 point is by growing within its own borders.

16 This basement, because of its height,
17 because its location, it's a adjacency to
18 services on Bergenline Avenue, on Hudson Avenue,
19 actually located very central to the -- to -- to
20 the -- to the center of the city, provides a --
21 an afford -- a -- a good location to have a
22 residential unit without encroaching on any other
23 neighbor or imposing on any air, light, or
24 ventilation of any other spaces. The bedrooms
25 have a -- have egress to the side and it's a very

1 nice apartment in the basement.

2 That's all I have.

3 CHAIRPERSON GRULLON: Thank you, Mr.
4 Izquierdo.

5 Do you have any other witness, or was Mr.
6 Izquierdo your only witness?

7 MS. VERGARA: The only witness.

8 CHAIRPERSON GRULLON: Mr. Izquierdo, could
9 you -- I don't know if you mentioned, could you
10 tell us the height of the basement, or the height
11 of the ceiling in the basement?

12 MR. IZQUIERDO: The height of the basement
13 is going to be eight feet.

14 CHAIRPERSON GRULLON: Eight feet.

15 MR. IZQUIERDO: Because -- because the
16 applicant has actually underpinned the structure
17 and he is actually brought everything down so
18 it's going to be eight feet. It's not going to
19 be seven feet. It will be eight feet.

20 CHAIRPERSON GRULLON: Okay.

21 Are you propose -- is this application
22 proposing any construction or renovation on the
23 second and third floor?

24 MR. IZQUIERDO: No.

25 CHAIRPERSON GRULLON: No. Just the -- only

1 the --

2 MR. IZQUIERDO: No, the second and --

3 CHAIRPERSON GRULLON: -- only the basement.
4 Actually, first and second floor.

5 MR. IZQUIERDO: The ground and the second
6 floor, the second floor being a duplex, are fully
7 occupied; they have tenants. The owner does not
8 want to affect them because they're -- they're
9 basically very good tenants. So, there's not
10 going to be any -- any disturbance to any of
11 those tenants.

12 CHAIRPERSON GRULLON: Could you go over
13 parking again one more time, because I -- I'm
14 kind of confused. What -- what's existing there
15 right now?

16 MR. IZQUIERDO: The existing two, three-
17 bedroom apartments --

18 CHAIRPERSON GRULLON: Parking, parking, I
19 mean.

20 MR. IZQUIERDO: Yes.

21 The existing two, three-bedroom apartments
22 according to N.J. - N.J.A.C. 5 21, which is
23 Municipal Land Use Law, for every three-bedroom
24 apartment, requires 2.1 parking spaces. So,
25 we're required to have 4.2 spaces. In adding the

1 | one-bedroom apartment, we're required to have 1.8
2 | spaces. So, 4.2 plus 1.8 is six, which is what
3 | the table shows. We're actually providing only
4 | one space because that's the only space --

5 | CHAIRPERSON GRULLON: Is that existing --

6 | MR. IZQUIERDO: -- that is allowed.

7 | CHAIRPERSON GRULLON: -- or that you're
8 | proposing to have?

9 | MR. IZQUIERDO: We're -- no, we have one
10 | space right now in the front.

11 | CHAIRPERSON GRULLON: You have a curb cut?

12 | Could you just go over the dimensions of
13 | the parking, because it looks like it's
14 | projecting to the sidewalk?

15 | MR. IZQUIERDO: Yes.

16 | Well, the -- well, what happens is, the
17 | front yard is actually at 11.4 feet because of
18 | the octagonal projection of -- of the front of
19 | the house. So, that parking is encroaching onto
20 | the public right-of-way, but so is every other
21 | parking space on 46th Street. That's an existing
22 | parking space. It has an existing curb cut and
23 | it's just there.

24 | CHAIRPERSON GRULLON: Okay.

25 | Then you're requesting for a variance for

1 five parking spaces?

2 MR. IZQUIERDO: The existing is 4.2 and we
3 have one. We're adding 1.8, so technically we
4 would be requesting a variance for 1.8. Do you
5 know what I'm saying?

6 It's 4.2 existing, and we have one. We're
7 required to have six.

8 CHAIRPERSON GRULLON: Yeah.

9 MR. IZQUIERDO: The difference is 1.8. So,
10 legally we would be requiring a variance for the
11 parking space of the unit that we're providing,
12 which is 1.8. I mean, we could demolish the
13 front of the building all -- all the steps and
14 all the stoop and everything and be able to
15 provide more parking spaces, but it really
16 doesn't fit the neighborhood. It really would --
17 would -- you would lose off-street parking
18 spaces. You would be disturbing the curb cut.
19 The -- the sidewalk is brand new and -- and we
20 want to keep everything exactly as it is.

21 CHAIRPERSON GRULLON: Are you proposing to
22 making any changes to the facade of the building?

23 MR. IZQUIERDO: The -- the front of the
24 building is all brick.

25 UNIDENTIFIED MALE SPEAKER:

1 (Indiscernible).

2 MR. IZQUIERDO: Yes, it's all brick, so we
3 -- we will keep it all brick.

4 CHAIRPERSON GRULLON: And -- and you
5 mentioned that you will be -- you will be
6 improving safety condition by adding a sprinkles
7 to the building?

8 MR. IZQUIERDO: The sprink -- the -- the
9 house has to be fully sprinklered because of the
10 attic condition. If I --

11 CHAIRPERSON GRULLON: Yes.

12 MR. IZQUIERDO: -- didn't have an attic
13 condition, I would be able to do other things
14 with the single exit of -- of rehabilitation
15 subcode. In this specific case, I have to
16 sprinkler the whole building. But again, the
17 two-inch line -- the two-inch meter, is already
18 at the property line.

19 CHAIRPERSON GRULLON: Okay.

20 And for egress, you know, the window size.
21 Are they --

22 MR. IZQUIERDO: All the window sizes meet
23 egress requirements.

24 Every single floor has two means of egress.
25 The attic apartment has to be -- the attic level

1 has to be provided with an exit -- with a fire
2 escape, but it also has access to the front yard.
3 So, I'm familiar with the requirements of the
4 Building Department of Union City. They don't
5 want you to exit into a backyard that has no
6 access to the front. In this specific instance,
7 that rear yard has an access to the public right-
8 of-way through the side yard. Albeit, it's --
9 it's less than 3.8, but that's a UCC F1 -- F1 60
10 (phonetic) variation.

11 CHAIRPERSON GRULLON: Thank you, Mr.
12 Izquierdo.

13 Any member of the Board has any question?

14 Hear none.

15 Any members of the public want to step
16 forward for this application?

17 Hear none.

18 Taking in consideration that there have
19 been no addition to the footprint of the
20 building, there be no addition to the footprint
21 of the building, only requesting to legalize a
22 unit in the basement and would improve the safety
23 condition of the building by adding a sprinkle, I
24 make a motion to grant this application.

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

1 MS. VERGARA: Thank you.

2 THE SECRETARY: Motion on the table to

3 grant the application --

4 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

5 THE SECRETARY: -- by Mr. Grullon.

6 Any second?

7 Seconded by Miss -- Miss Gutierrez.

8 Roll call on the motion.

9 Mr. Grullon?

10 CHAIRPERSON GRULLON: Yes.

11 THE SECRETARY: Miss Gutierrez?

12 VICE CHAIRPERSON GUTIERREZ: Yes.

13 THE SECRETARY: Mr. Garcia?

14 MR. GARCIA: Yes.

15 THE SECRETARY: Mr. Ortiz?

16 MR. ORTIZ: Yes.

17 THE SECRETARY: Miss Perez?

18 MS. PEREZ: Yes.

19 THE SECRETARY: Mr. Cetinich?

20 MR. CETINICH: Yes.

21 THE SECRETARY: Miss Watley?

22 MS. WATLEY: Yes.

23 THE SECRETARY: Seven in favor.

24 Motion carries.

25 MR. IZQUIERDO: Thank you, members of the

1 Board.

2 MS. VERGARA: Thank you.

3 CHAIRPERSON GRULLON: Thank you.

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

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1 **Isaac Rosenberg -**

2 **145 35th Street:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, Isaac Rosenberg, 145 35th
6 Street.

7 Miss Pereiras, please?

8 MR. PANEQUE: Let the record reflect that
9 I've been provided by Ms. Pereiras with a
10 certification as to publication and service,
11 indicating that notice of tonight's hearing with
12 respect to the property located at 145 35th
13 Street, was sent out to all property owners
14 within a 200 foot radius.

15 I've also been provided with a copy of the
16 notice that was sent out. I've been also
17 provided with the affidavit of publication from
18 The Jersey Journal indicating that said notice
19 was published on November 8th. The notice
20 indicates that at tonight's hearing, here at this
21 location, with respect to 145 35th Street, the
22 Board will be presented an application for a
23 variance.

24 I've also been provided with the certified
25 mail receipts with a date of November 8th as well

1 as the 200 foot list with a date of October 22nd.
2 That 200 foot list was provided by the Union City
3 Tax Assessor's Office.

4 Based on the information that has been
5 provided, or the documents, this Board has
6 jurisdiction to proceed and hear this matter.

7 MS. PEREIRAS: Thank you, Counsel.

8 Again, Bianca Pereiras, on behalf of the
9 applicant for property at 145 35th Street, also
10 known as Lot 28 in Block 208. What we have
11 On-site now is an existing two-family home. It
12 will remain a two-family home.

13 To my left behind me is the lovely
14 Rosenberg family. They're here with their five
15 children, and they would like to stay in this
16 home. They have lived in this home for about 25
17 years now, and their goal is to continue residing
18 here. However, they need a little more space.
19 So, the application before the Board this evening
20 is to construct a three-story rear addition to
21 the property.

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

25 MR. PEREIRAS: Manny Pereiras.

1 I recognize that I am still under oath.

2 MS. PEREIRAS: Mr. Pereiras, are you
3 familiar with the property at 145 35th Street?

4 MR. PEREIRAS: I am.

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

7 MR. PEREIRAS: I have.

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

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

11 We have an existing two-story frame house.
12 On my left, we have the same documents that were
13 submitted before the Board, simply on an easel.
14 Over here you see the existing condition. This
15 is the two-story frame house. Next to it, we
16 have the proposed condition.

17 And as you can see, we're doing a rear
18 addition, and then the third story actually
19 overlaps the -- the second story to this point.
20 And we purposely didn't bring it all the way up
21 to the front because we didn't want it to look
22 like a three-story structure. We wanted to keep
23 the integrity of that two-story structure and we
24 really pushed that three-story back so that the
25 streetscape looks fundamentally the same as it

1 was -- as it does now.

2 The variances that we're seeking are
3 expansions of existing non-conformities. We have
4 an expansion of that zero lot line. There is a
5 structure next to that lot line. It is the
6 Rosenberg's neighbor, who has no objection to
7 this as we move forward.

8 There are no windows there that we're --
9 that we're going to be modi -- you know,
10 affecting in any way, that were -- that were
11 construct illegally.

12 And our extension goes as far as you could
13 see, just a few feet past the house on one side,
14 and it's actually a lot shorter than the house on
15 the other side. So, it doesn't create any impact
16 to the rear yard that would affect the neighbors
17 negatively.

18 The front yard setback is existing.
19 There's an existing porch there. We're use --
20 we're seeking to use the top of that porch as a
21 terrace so that they have some outdoor space at
22 their house. And the rest of the setback along
23 the front remains the same.

24 The setback along the opposite side, which
25 is the east side, is two foot ten inches. And

1 we're expanding on that setback as we go back
2 with the ex -- with the addition, so that is an
3 expansion of that variance as well. But we want
4 to keep the house square with what's existing and
5 it doesn't affect the neighborhood in any
6 negative way.

7 As you could see here, we are basically
8 creating a lot more bedrooms so that the
9 Rosenberg family can live comfortably.

10 The existing conditions is what is shaded
11 dark, and the proposed condition is in white
12 expanding and -- and you could see the third
13 story.

14 The third story stops at this point along
15 here, and we created a large skylight along --
16 over the dining room table for Sukkot, and the
17 additional bedrooms along the back.

18 The area of these apartments are rather
19 large to accommodate the family.

20 Apartment One is a duplex with the ground
21 -- the lower level and the first floor.

22 The -- the lower level, the basement, is
23 1,499 square feet.

24 The second -- the first floor is 1,548
25 square feet, for a total of 3,047 square feet.

1 The second apartment has the -- the second
2 floor which is 1,537 square feet.

3 And the third -- the new third floor is
4 1,181 square feet, for a total of 2,718 square
5 feet.

6 The number of bedrooms, so that we're clear
7 for the Resolution, on the top floor we have four
8 bedrooms on the third floor, including a laundry
9 room.

10 On the second floor, we have two bedrooms
11 plus a family room, plus a library. We also have
12 a -- a dining room area and a kitchen, of course.
13 And a larger formal dining room area.

14 On the first floor, we have a lounge area,
15 a bedroom, a master bedroom, existing kitchen,
16 and the existing dining room and living room
17 areas.

18 On the lower level, we created a -- a
19 larger living space, and another family room
20 along the front of the -- the house. There's an
21 existing den on the ground floor -- on the
22 basement level, which we are not modifying in any
23 way.

24 We're proposing a stair to the rear of the
25 structure. This gives access to the backyard

1 | from the second floor apartment. It also gives
2 | additional access from the first floor apartment
3 | utilizing the same stair to the backyard.

4 | As we turn to the elevations, we could
5 | really see how the third floor is set back
6 | significantly from the street so that our
7 | addition does not affect the streetscape in any
8 | way, or would not be visible from the street.

9 | And we could see how the stairs in the
10 | rear, the scale as compared to the house. This
11 | is the adjoining structure that comes to the back
12 | of the house, and how our structure overlaps the
13 | existing building.

14 | I think that concludes my testimony. If
15 | there's any questions, I'll be very happy to --
16 | to answer them.

17 | CHAIRPERSON GRULLON: Sure, definitely Mr.
18 | Pereiras.

19 | I have a couple of questions.

20 | This is going to remain a two -- a two-unit
21 | application -- two apartments?

22 | MR. PEREIRAS: It's a two-family.

23 | CHAIRPERSON GRULLON: Two-family.

24 | MR. PEREIRAS: It's been a two-family for
25 | many years. It will continue to be a --

1 CHAIRPERSON GRULLON: Yes. So we --

2 MR. PEREIRAS: -- two-family.

3 CHAIRPERSON GRULLON: -- we're not
4 increasing the amount of units.

5 MR. PEREIRAS: We are not.

6 CHAIRPERSON GRULLON: Just the -- just the
7 amount of bedrooms.

8 MR. PEREIRAS: Correct.

9 CHAIRPERSON GRULLON: And we're going from
10 how many bedrooms to how many bedrooms -- you
11 know, to how many?

12 MR. PEREIRAS: So the --

13 CHAIRPERSON GRULLON: What's the increase
14 in bedroom count?

15 Could you tell me?

16 MR. PEREIRAS: So, I can't tell you the
17 exact increase because we're modifying a lot of
18 things. But we -- I believe we have one, two,
19 three, four, five, six, seven additional
20 bedrooms.

21 CHAIRPERSON GRULLON: Seven additional
22 bedrooms.

23 Okay.

24 Could you just give me some testimony about
25 the parking requirements and --

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

2 From the -- the new Union City Ordinance, I
3 believe that the way it is written, and our
4 planner could correct me if I'm wrong -- the way
5 that the new Union City Ordinance is written, for
6 a two-family house, we are required four parking
7 space regardless of how many bedrooms.

8 From an RSIS standard, I would assume that
9 that would be a little bit larger number.

10 That said, it really, in our application,
11 we have a preexisting non-conformity when it
12 comes to parking. This is a site where we cannot
13 modify the existing building to provide parking
14 because of the existing structure. However, the
15 Rosenbergs' have lived here for many years; I --
16 I believe Mr. Rosenberg's entire life.

17 And their community is at walking distance
18 from this; the synagogue, the -- the school,
19 everything is within walking distance, and their
20 family tends to walk. They -- they do not have
21 many vehicles. I believe Mr. Rosenberg has one.
22 And I don't believe that adding bedrooms is going
23 to impact the parking on the neighborhood in any
24 way whatsoever.

25 CHAIRPERSON GRULLON: And these units would

1 be occupied by Mr. Rosenberg family?

2 MR. PEREIRAS: Yes, it is. Mr. Rosenberg,
3 Senior on the first unit and Mr. Rosenberg,
4 Junior on the -- on the second.

5 CHAIRPERSON GRULLON: Okay.

6 How -- how high is the building right now?

7 MR. PEREIRAS: The current building is two
8 stories and it is about 24 feet. And the new
9 structure is a total of 38 feet in height, which
10 is in compliance with our Ordinance. That's why
11 we went to 38 feet, because that's the -- the
12 limit.

13 CHAIRPERSON GRULLON: Okay.

14 MR. PEREIRAS: We have -- and just to
15 clarify, expand on my testimony a little bit.

16 We do have an expansion of building
17 coverage. We're at 70 percent, which I believe
18 is a very modest request that we're making there.
19 And our maximum lot coverage, we're at 90 --
20 we're actually at a hundred percent because it's
21 a paved backyard.

22 So, we do have those two variances as well,
23 as well as a -- a preexisting non-conformity when
24 it comes to the front yard.

25 CHAIRPERSON GRULLON: And the side yards,

1 Mr. Pereiras, the side yards, are they -- are
2 they in compliance? Or you are asking for a --

3 MR. PEREIRAS: They are not --

4 CHAIRPERSON GRULLON: -- a variance?

5 MR. PEREIRAS: -- in compliance.

6 Whereas, three feet is required on one side
7 and two feet is required on the other, we have
8 zero on one side and two foot ten, I believe on
9 the other. And we are expanding on that
10 preexisting non-conformity, because our addition
11 is in line with the existing side yards, and
12 we're keeping the house square. So, we're
13 expanding on that variance and we ask for a C-
14 variance there.

15 CHAIRPERSON GRULLON: Are you planning to
16 sprinkle -- do a sprinkle system in this
17 building?

18 MR. PEREIRAS: No, we do not.

19 CHAIRPERSON GRULLON: Is it required?

20 MR. PEREIRAS: Not required. It's a two-
21 family home and not -- not necessary. We meet
22 all the requirements of travel distances. We
23 meet the -- the size requirements, so we are --
24 we are not planning to sprinkler this house.

25 CHAIRPERSON GRULLON: And the --

1 MR. PEREIRAS: If this was three-family, we
2 would; two-family, you do not.

3 CHAIRPERSON GRULLON: What about exits?
4 You know, egress in case of emergencies?

5 MR. PEREIRAS: We wanted to make sure that
6 this house is extremely safe in every aspect.
7 That's one of the main reasons we created the
8 stairwell in the rear of the house, so that they
9 do have that second means of egress along the
10 rear.

11 In addition to that, every bedroom, we make
12 sure we designed in a way so that it is fitted
13 with windows so that they have emergency escape
14 and rescue, and those windows have to meet
15 emergency escape and rescue standards.

16 We also have a 110 volt interconnected
17 alarm system flowing throughout each of these
18 apartments so that the -- the safety levels of
19 this are great, and since we're doing this
20 construction, we have to -- because it's a three-
21 story structure, we have to rate the separation
22 between the floors as a one hour rate structure
23 so that there's a separation between floors, so
24 if a fire were to start somewhere, it would take
25 a long time for that fire to travel, allowing the

1 occupants to escape safely.

2 CHAIRPERSON GRULLON: And one last question
3 is, on the existing structure, are you proposing
4 to do any -- any sort of renovation?

5 MR. PEREIRAS: So, the entire building is
6 going to be gutted and redone and reconfigured,
7 except for the front of the first floor that is
8 already for the most part good. The façade is
9 going to be cleaned up significantly. Remember
10 that we are creating that terrace on top of the
11 -- the roof portion of that porch, so all of that
12 is going to get a facelift and the façade itself
13 is going to get a facelift.

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

16 I don't have any more questions.

17 Any member of the Board has any questions?

18 MR. GARCIA: Yeah.

19 Just presuming that there will be many
20 children living at this home --

21 MR. PEREIRAS: Yes.

22 MR. GARCIA: -- what safety features will
23 be implemented on that terrace?

24 MR. PEREIRAS: So, we will have a 42 inch
25 guard rail. And that terrace serves several

1 | purposes but the greatest purpose is religious
2 | purposes. They have to have prayer looking up at
3 | the sky, and there are limited areas within this
4 | house to do so. So, that is very important for
5 | religious purposes. And since we do have the 42
6 | inch guard rail and it is tall enough that it is
7 | well protected for children.

8 | MR. GARCIA: Okay.

9 | CHAIRPERSON GRULLON: Thank you.

10 | Any other member of the Board has any
11 | question?

12 | MS. FLEMING: Can I ask a question?

13 | CHAIRPERSON GRULLON: Sure.

14 | MS. FLEMING: Do I need to be sworn in
15 | first?

16 | MR. PANEQUE: No, she's our Planner.

17 | THE SECRETARY: No.

18 | MS. DILLON: No.

19 | THE SECRETARY: You don't have to.

20 | MS. FLEMING: Okay.

21 | Sorry.

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

24 | MS. FLEMING: Leigh Fleming.

25 | I just have a question about the addition

1 of the second full bathroom in the basement.

2 MR. PEREIRAS: Yeah.

3 MS. FLEMING: You don't always see that,
4 and it looks like the basement is able to be cut
5 in half?

6 MR. PEREIRAS: Cut in half?

7 MS. FLEMING: Yeah. Like, there's doors --
8 the way it's set up, like you -- they could be
9 closed off from each other.

10 MR. PEREIRAS: So --

11 MS FLEMING: Are --

12 MR. PEREIRAS: -- no. So, the -- the
13 basement has circulation through the main stair
14 going through the house.

15 MS. FLEMING: Um-hum.

16 MR. PEREIRAS: You see that, that we're
17 creating that in the addition portion of it. And
18 then simply, we have a door in the rear of the
19 structure, not near the front, which is for
20 safety purposes. We would like people to get out
21 of that basement in case there is an emergency.

22 And again, the Rosenbergs' have a big
23 family. That's why they need as many bathrooms
24 as possible. We can't fit them all on the same
25 floor upstairs. We need that space for bedrooms.

1 That's why the -- my only alternative is really
2 to go down to the -- to that lower level.

3 The Rosenberg's plan to live there.
4 They've lived -- plan -- they've lived there for
5 I think over 50 years, and I believe they plan to
6 live there for many years more to come. So, it's
7 not a question of illegal tenancies, which I
8 think we're all accustomed to, but that's not the
9 case in this -- in this particular project.

10 CHAIRPERSON GRULLON: Any other member of
11 the Board have any question?

12 Hear none.

13 At this point I want to open it to the
14 public.

15 Any member of the public want to step
16 forward for this application?

17 Hear none.

18 Closed to the public.

19 Taking in consideration that this is going
20 to be a family occupied building by the Rosenberg
21 family that they have been part of the Union City
22 family for over 50 years, and they're -- they're
23 requesting to add additional bedrooms to keep the
24 family in Union City, I make a motion to grant
25 this application.

1 THE SECRETARY: Motion on the table to
2 grant the application by Mr. Grullon.

3 VICE CHAIRPERSON GUTIERREZ: I'll second
4 it.

5 THE SECRETARY: Seconded by Miss Gutierrez.
6 Roll call on the motion to grant this
7 application.

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. Ortiz?

15 MR. ORTIZ: Yes.

16 THE SECRETARY: Miss Perez?

17 MS. PEREZ: Yes.

18 THE SECRETARY: Mr. Cetinich?

19 MR. CETINICH: Yes.

20 THE SECRETARY: Miss Watley?

21 MS. WATLEY: Yes.

22 THE SECRETARY: Seven in favor.

23 Motion carries.

24 MS. PEREIRAS: Thank you all very much.

25 MR. PEREIRAS: Thank you, everyone.

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

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1 **Edwin Narvaez -**

2 **1311 New York Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, Edwin Narvaez, 1311 New York
6 Avenue.

7 Miss Pereiras, please?

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

10 MR. PANEQUE: Let the record reflect that
11 I've been provided by Ms. Pereiras with the
12 following documentation:

13 I have a certification as to publication
14 and service signed by Ms. Pereiras indicating
15 that notice of tonight's hearing with respect to
16 the property at 1311 New York Avenue, was sent to
17 all property owners within the 200 foot radius,
18 as well as having been published in the local
19 newspaper.

20 I also have a copy of the notice that went
21 out giving notice of tonight's hearing for said
22 property at this location.

23 I also have an affidavit from The Jersey
24 Journal indicating that notice of tonight's
25 hearing was published on November 8th, 2021 giving

1 the site of the hearing at this location, the
2 Union City High School.

3 I also have a list promulgated by the Union
4 City Tax Assessor's Office with a date of
5 November 4, listing all property owners within
6 the 200 foot radius of the property --

7 I don't think this is the right one. This
8 has 733 6th Street. That's not it.

9 Right?

10 MS. PEREIRAS: Did I grab the wrong one?

11 I apologize.

12 MR. PANEQUE: Yeah.

13 MS. PEREIRAS: Do you mind if I take a look
14 at it real quick?

15 MR. PANEQUE: No, not at all.

16 Do you have a 733 6th Street application --

17 MS. PEREIRAS: I do.

18 MR. PANEQUE: -- tonight?

19 MS. PEREIRAS: I do. So, maybe I just
20 confused those.

21 MR. PANEQUE: You swapped them?

22 MS. PEREIRAS: Exactly.

23 MR. PANEQUE: Yeah.

24 Yeah, that's the next application, Bianca.

25 MS. PEREIRAS: That's exactly what we did.

1 MR. PANEQUE: Yup.

2 THE SECRETARY: Got it?

3 MR. PANEQUE: No, I got it.

4 MS. PEREIRAS: Sorry.

5 MR. PANEQUE: She's good.

6 MS. PEREIRAS: Thank you.

7 MR. PANEQUE: I have a tax list from the
8 Tax Assessor's Office with a date of November 4th
9 indicating all property owners within the 200
10 foot radius of 1311 New York Avenue, as well as
11 the certified mail receipts with a postmark date
12 -- a postmark date of November 8th, 2011 (sic).

13 Based on the documentation provided by Ms.
14 Pereiras, this Board has jurisdiction to proceed
15 and hear this matter.

16 MS. PEREIRAS: Thank you, again.

17 Bianca Pereiras, on behalf of the applicant
18 for 1311 New York Avenue, also known as Lot 5 in
19 Block 64.

20 The Board may recall this application. We
21 actually appeared before you back in the
22 beginning of 2020, at which time we were
23 presenting or requesting an addition to what we
24 believed was a two-family home.

25 My clients had purchased this property in

1 2019 as a two-family; were living in the space.
2 This Board approved that application, but when
3 they went to pull permits, it was discovered that
4 the Building Department's records only showed a
5 one-family. That Resolution was amended. They
6 were able to proceed on the addition to their
7 home; however, we are here before this Board this
8 evening to legalize that second unit.

9 We have one expert to testify, that is our
10 architect Mr. Manuel Pereiras.

11 MR. PEREIRAS: Manny Pereiras.

12 I recognize that I am still under oath.

13 MS. PEREIRAS: Mr. Pereiras, are you
14 familiar with 1311 New York Avenue?

15 MR. PEREIRAS: I am.

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

18 MR. PEREIRAS: I did.

19 MS. PEREIRAS: And would you kindly
20 describe the legalization for the Board?

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

22 We're -- we are here for a two-family
23 house. Technically, this is a -- a use variance
24 because we are in the CN Zone where two-family
25 houses are not permitted and residential is not

1 committed (sic) on -- permitted on the ground
2 floor. But this is a preexisting structure.
3 It's been a two-family house probably for the
4 past 40 years.

5 The Building Department has discovered that
6 the second floor is not recognized as an
7 apartment, as Counsel said. And that's what
8 we're here for, is the existing second floor
9 apartment to legalize that portion of it.

10 As you could see here, that existing second
11 floor has existing two bedrooms. When you come
12 up the stairs, you're in a small corridor. You
13 have your kitchen, your living room, dining room.
14 You have bedroom one, and bedroom two. Both
15 bedrooms have good egress windows directly to the
16 outside. The apartment itself is 702 square
17 feet, which triggers another variance as far as
18 density because of the size of the apartment.

19 In addition to that, we have a series of
20 existing non-conformities. Then again, we're not
21 changing or modifying any of these non-
22 conformities.

23 It starts with lot size; 2,500 square is
24 required. We're at 2,034 square feet.

25 Minimum lot width is of course 25 feet.

1 And we are only at 24.57 square feet.

2 We do have a full lot depth of a hundred
3 feet.

4 The minimum front yard is not a variance
5 because we are in the CN Zone and we're at 8.23.

6 We have an existing car that fits in the --
7 in the front yard, and that's that preexisting
8 curb cut and driveway that we have.

9 The number of stories we don't require
10 anything else.

11 The side yards are preexisting non-
12 conformities. We have -- we're at three feet and
13 -- and two feet are required. We have zero along
14 this lot line, and we have 3.29 along the other
15 lot line. So, one side is conforming; the other
16 is not. The side that is conforming is where we
17 have all our windows.

18 Parking, technically, we are expanding on
19 parking. In the area we need two additional
20 spaces because of the legalization of this
21 apartment. However, we have one existing space
22 on the lot, and in theory, we are not making this
23 house any larger and changing it in any way. The
24 number of occupants would in general be the same
25 either way, so we're not really creating a

1 greater impact on the neighborhood. But we are
2 asking for a variance that we are expanding for
3 the parking here.

4 Very simple application; preexisting two-
5 family house.

6 And that concludes my testimony, unless
7 there are any other questions.

8 CHAIRPERSON GRULLON: Mr. Pereiras, this is
9 all existing condition.

10 No?

11 MR. PEREIRAS: Correct.

12 They're all --

13 CHAIRPERSON GRULLON: Proposing --

14 MR. PEREIRAS: -- existing conditions.

15 CHAIRPERSON GRULLON: -- to do any -- any
16 type -- any type of a construction or renovation
17 of this?

18 MR. PEREIRAS: So, this Board saw us a long
19 time ago, where we got -- we were approved for an
20 addition, and we did that addition and we did the
21 deck. That's all an existing condition at this
22 point. What we are looking to do is simply
23 legalize that second floor --

24 CHAIRPERSON GRULLON: Second floor.

25 MR. PEREIRAS: -- that the applicants

1 | honestly thought that they always had, and they
2 | purchased it believing that they had a legal
3 | second floor.

4 | CHAIRPERSON GRULLON: And your request is
5 | to legalize -- legalize three-bedroom unit, or
6 | two-bedroom unit? I see two bedrooms on the
7 | plans that you provide us.

8 | MR. PEREIRAS: So, we -- the second floor
9 | is a two-bedroom unit.

10 | CHAIRPERSON GRULLON: Two-bedroom unit.
11 | Okay.

12 | MR. PEREIRAS: The ground floor is a three-
13 | bedroom unit.

14 | CHAIRPERSON GRULLON: According to Mr.
15 | Spatz memo, the request is to legalize a three-
16 | bedroom unit, I believe.

17 | MR. PEREIRAS: In reality, we're coming to
18 | this Board to legalize a two-family house.

19 | CHAIRPERSON GRULLON: Yes.

20 | MR. PEREIRAS: Because in theory, you had a
21 | -- an -- a house that had two floors.

22 | CHAIRPERSON GRULLON: Yes.

23 | MR. PEREIRAS: Now those -- both those
24 | floors are now individual units. In a way we're
25 | legalizing both. So, we're coming to this Board

1 to legalize --

2 CHAIRPERSON GRULLON: But, we have --

3 MR. PEREIRAS: -- this two-family house.

4 CHAIRPERSON GRULLON: -- to show -- we have
5 to show the correct language on the Resolution,
6 that this is approved, and what I see here that
7 this fits a two-bedroom apartment on the second
8 floor. The request is for a three-bedroom
9 apartment.

10 MR. PEREIRAS: Actually --

11 CHAIRPERSON GRULLON: You're not -- and
12 that -- that small room that you have as a den, I
13 mean, I hope they're not planning to convert that
14 into a bedroom.

15 MR. PEREIRAS: So, I -- I'm assuming that
16 Mr. Spatz's testimony was referring to that den,
17 and that's correct. We do have a den in that
18 floor. It is a preexisting room. If someone
19 were, you know -- my interpretation is that it's
20 not a bedroom because it's too small. It -- and
21 that's why I'm requesting a two-bedroom
22 apartment.

23 CHAIRPERSON GRULLON: Okay. I don't have
24 any other --

25 MR. PEREIRAS: Two bedroom plus den, to be

1 clear.

2 MR. PANEQUE: Just so that we're clear for
3 the Board, the Building Department memo indicates
4 that they recognize this as a one-family home.
5 So, the application before the Board is to
6 legalize this one-family home into a two-family
7 home.

8 Correct?

9 MR. PEREIRAS: That is correct.

10 MS. PEREIRAS: That is correct.

11 MR. PANEQUE: And what we're legalizing is
12 the second floor apartment?

13 MR. PEREIRAS: Correct.

14 In theory, the Building Department already
15 issued permits and a CO for the first floor. So,
16 I believe that's not in question. It would be
17 the second floor that we're requesting here.

18 MR. PANEQUE: Okay.

19 CHAIRPERSON GRULLON: Yeah, okay.

20 Any member of the Board has any question?

21 No?

22 Hear none.

23 Any member of the public has -- want to
24 step forward for this application?

25 Hear none.

1 Closed to the public.

2 So, taking in consideration it is all
3 preexisting condition, I will make a motion to
4 grant this application to go from one-family to a
5 two-family and state on the record that we are
6 approving the second floor plan for a two-bedroom
7 unit.

8 MR. PEREIRAS: Two bedroom, plus den.

9 CHAIRPERSON GRULLON: Plus -- plus den.

10 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

11 THE SECRETARY: Motion on the table to
12 approve the application by Mr. Grullon.

13 Seconded by Miss Gutierrez.

14 Roll call on the motion.

15 Mr. Grullon?

16 CHAIRPERSON GRULLON: Yes.

17 THE SECRETARY: Miss Gutierrez?

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 THE SECRETARY: Mr. Garcia?

20 MR. GARCIA: Yes.

21 THE SECRETARY: Mr. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Miss Perez?

24 MS. PEREZ: Yes.

25 THE SECRETARY: Mr. Cetinich?

1 MR. CETINICH: Yes.

2 THE SECRETARY: Miss Watley?

3 MS. WATLEY: Yes.

4 THE SECRETARY: Seven in favor.

5 Motion carries.

6 MS. PEREIRAS: Thank you all very much.

7

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

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1 BB 6th Holdings, LLC -

2 733-35 6th Street:

3

4 THE SECRETARY: Okay.

5 Next application on tonight's agenda, BB
6 6th Holdings, LLC, 733-35 6th Street.

7 Miss Pereiras, please?

8 MR. PANEQUE: Let the record reflect that
9 I've been provided with the following documents
10 from Ms. Pereiras:

11 I have a certification as to publication
12 and service, indicating that notice of tonight's
13 hearing were sent out to all property owners on -
14 - on November 8th as well as published in the
15 local newspaper.

16 I have the copy of the notice giving notice
17 with respect to the property at 733 6th Street.

18 I also have a affidavit from The Jersey
19 Journal, indicating that the notice was published
20 on November 8th with respect to the property at
21 733 6th Street, giving notice of tonight's hearing
22 at this location, the Union City High School.

23 I also have a list from the Tax Assessor's
24 Office with respect to all property owners within
25 the 200 foot radius of 733 6th Street. Said list

1 was done on November 4th, 2021, as well as the
2 certified mail receipts with a postmark date of
3 November 8th. Based on the documentation
4 provided, this Board has jurisdiction to proceed
5 and hear this matter.

6 MS. PEREIRAS: Bianca Pereiras, on behalf
7 of the applicant BB 6th Holdings, LLC, for
8 property at 733-35 6th Street.

9 This property has a little bit of a
10 tortured history. This property has been
11 dilapidated for quite some time. The prior
12 owners did not upkeep this building at all.

13 My client purchased it at the end of 2019,
14 understanding that he was going to be renovating
15 this building; took out a construction loan;
16 hired an architect. The architect submitted
17 drawings to the Board (sic) -- to the Building
18 Department to renovate the building. And it's
19 kind of sat there at the Building Department
20 since that time.

21 There seems to have been confusion as to
22 how many units were legally recognized. We have
23 finally been able to clear that up. And
24 according to the Building Department records,
25 this building that is existing has two

1 residential units above commercial.

2 There were some issues at the property and
3 we are currently in litigation, and in the matter
4 of finalizing a settlement agreement, wherein my
5 client is actually going to demolish this
6 building and rebuild it exactly to the
7 specifications that are there now.

8 The application and the Board Attorneys are
9 well aware that we're coming before this Board
10 today as to this application so that we can
11 improve what is going to be built. So, we are
12 looking to convert the existing commercial space
13 on the ground floor to residential because
14 commercial space doesn't make sense here. And we
15 are looking to add one unit to each of the
16 additional residential floors.

17 Again, a little bit of -- a little
18 confusing, a little bit of a history. And if
19 there are any questions, I'll expound further on
20 that.

21 I'd like to present with our architect Mr.
22 Manuel Pereiras.

23 MR. PANEQUE: Before we proceed, Ms.
24 Pereiras, we -- I just need some clarification.

25 MS. PEREIRAS: Sure.

1 MR. PANEQUE: The Building Department memo,
2 as you correctly stated, indicates that it's
3 recognized as a one commercial and the two-unit
4 structure.

5 MS. PEREIRAS: Yes.

6 MR. PANEQUE: Okay.

7 MS. PEREIRAS: The way my client purchased
8 the property, was that there was two units on
9 each of the floors above. So, when he purchased
10 it, he believed he was purchasing four
11 residential units plus commercial. And there was
12 lot of confusion --

13 MR. PANEQUE: Okay.

14 MS. PEREIRAS: -- back and forth on that
15 issue. So, hopefully we can clarify it today.

16 MR. PANEQUE: But your application is
17 asking to convert the commercial space to two
18 residential units.

19 MS. PEREIRAS: That's correct.

20 MR. PANEQUE: Okay.

21 MS. PEREIRAS: My application is also
22 asking to legalize two additional units on the
23 second and third floors.

24 MR. PANEQUE: Okay.

25 So, that's how we're getting to the six

1 units.

2 MS. PEREIRAS: Correct.

3 MR. PANEQUE: So, if I could just simplify
4 it.

5 MS. PEREIRAS: Please.

6 MR. PANEQUE: The commercial unit, it's
7 going to turn into two residential units.

8 MS. PEREIRAS: Correct.

9 MR. PANEQUE: Two residential units on the,
10 I guess, first floor or second floor?

11 MS. PEREIRAS: On the second floor.

12 MR. PANEQUE: Were already recognized?

13 MS. PEREIRAS: No. So, the Building
14 Department recognizes one residential unit on the
15 second floor and one residential unit on the
16 third floor.

17 MR. PANEQUE: Okay.

18 MS. PEREIRAS: They are -- there were two
19 units, so the application is to legalize one unit
20 per floor above.

21 MR. PANEQUE: Okay.

22 And that's how we end up with six.

23 MS. PEREIRAS: Yes.

24 MR. PANEQUE: Okay.

25 Got it.

1 MS. PEREIRAS: Mr. Pereiras?

2 MR. PEREIRAS: Manny Pereiras.

3 I recognize that I am still under oath.

4 MS. PEREIRAS: Mr. Pereiras, are you
5 familiar with the property at 733 6th Street?

6 MR. PEREIRAS: I am.

7 MS. PEREIRAS: And did you prepare the
8 drawings before the Board?

9 MR. PEREIRAS: I did.

10 MS. PEREIRAS: And would you kindly
11 describe the project?

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

13 Counsel gave a good explanation of the
14 history.

15 Let's talk a little bit about the site
16 itself. It's a very odd-shaped site. On the
17 corner of Paterson Plank Road, we are next to the
18 DPW where they keep the salts. That area,
19 there's another building adjoining it to the west
20 side of it.

21 The lot itself is an undersized lot. It's
22 at 1,858 square feet, whereas 2,500 square feet
23 is required.

24 The lot depth is -- varies. It's at --
25 measured based on our -- our conversations with

1 the Planner. We measured it at 90 feet. They
2 have different faces of the façade. This space
3 being 64 feet, for example, on the back and 64
4 feet as well. And then it turns. But we have a
5 lot depth of 90, whereas, a hundred is required.

6 The front yard is zero.

7 The side yards are zero.

8 The rear yard is zero.

9 The building occupies the entire footprint
10 of the site --

11 CHAIRPERSON GRULLON: Mr. --

12 MR. PEREIRAS: -- on every --

13 CHAIRPERSON GRULLON: -- Mr. Pereiras --

14 MR. PEREIRAS: -- portion.

15 CHAIRPERSON GRULLON: -- I'm sorry to
16 interrupt.

17 Before you continue, we only have one sheet
18 of -- of the --

19 MS. PEREIRAS: Yes.

20 CHAIRPERSON GRULLON: -- site plans here.

21 MR. PEREIRAS: No, there's multiple sheets.

22 One --

23 MS. PEREIRAS: So, we originally submitted
24 this application to convert the commercial to
25 residential --

1 CHAIRPERSON GRULLON: Yes.

2 MS. PEREIRAS: -- in our discussions with
3 the Building Department, --

4 CHAIRPERSON GRULLON: Right.

5 MS. PEREIRAS: -- it came to light that
6 those were not recognized; the additional
7 residential units were not recognized. So, we
8 modified just the first page of the application.

9 THE SECRETARY: Yes, only the first page.
10 The second -- I didn't remove the second.

11 MS. PEREIRAS: Everything else stays the
12 same.

13 CHAIRPERSON GRULLON: Did we hear testimony
14 at the previous meetings --

15 MS. PEREIRAS: No.

16 MR. PEREIRAS: No.

17 CHAIRPERSON GRULLON: -- for this?

18 Because it will be important for us to
19 determine whether there are two units on the
20 second floor and two unit on the third floor --

21 MR. PEREIRAS: Of course.

22 CHAIRPERSON GRULLON: -- to see, you know,
23 the site plans.

24 MS. PEREIRAS: We only updated --

25 MS. PEREZ: I have three pages.

1 MS. PEREIRAS: -- the first sheet.

2 Everything else remained the same.

3 MR. PEREIRAS: So the -- so, Mr. Vallejo,
4 do you have the -- the drawings?

5 MR. CETINICH: You have it?

6 CHAIRPERSON GRULLON: Do you have the rest
7 of the --

8 MS. PEREZ: You have one?

9 THE SECRETARY: Here --

10 MS. PEREZ: I have three.

11 THE SECRETARY: You -- you provide one
12 revised.

13 CHAIRPERSON GRULLON: You have three?

14 MS. PEREZ: Do you want mine?

15 MR. PANEQUE: I -- I only have one.

16 CHAIRPERSON GRULLON: I only have one.

17 MS. PEREZ: I have three.

18 MS. WATLEY: Me too.

19 MR. GARCIA: I have three as well.

20 MR. PANEQUE: Oh.

21 THE SECRETARY: You have --

22 VICE CHAIRPERSON GUTIERREZ: I have three.

23 THE SECRETARY: You have only three? You
24 have --

25 MR. GARCIA: I have three.

1 MR. PANEQUE: Mr. Vallejo, we have been
2 discriminated at this table.

3

4 (Whereupon, there was a pause in the
5 proceedings to review and sort plan sets.)

6

7 MR. PANEQUE: Debbie, we're off?

8 MS. DILLON: You're in a pause; do you want
9 me to go off?

10 MR. PANEQUE: Oh yeah, let's go off while
11 we --

12 Yeah, otherwise you're going to have a lot
13 of --

14

15 (Off the record at 7:48 p.m.)

16 (On the record at 7:49 p.m.)

17

18 MS. DILLON: On the record.

19 CHAIRPERSON GRULLON: Mr. Pereiras, you may
20 continue.

21 MR. PEREIRAS: Thank you so much.

22 So, the existing building occupies the
23 entire lot with the exception of this small
24 corner here. It occupies 99.8 percent of the
25 entire lot. We're not looking, obviously, to

1 expand in any way. It is an existing three-story
2 structure. We're looking to continue being a
3 three-story structure.

4 If I turn to the floor plans, we see the
5 existing ground floor here. As you could see,
6 the stair that accesses the second and third
7 floor, is right in the middle of the space,
8 showing that this has always been two commercial
9 spaces on the ground floor, even though the
10 Building Department recognizes one. We do have
11 two commercial spaces because it's the -- the
12 space is dissected in two.

13 And then upstairs, that stair came up and
14 it had two apartments; one on each side of that
15 stair. The -- and then the --

16 I'm sorry.

17 This is the revised first floor, the
18 proposed design that we have.

19 And when you come up to the second floor,
20 it leads you to a hallway where there were two
21 apartments on the second floor. And you take the
22 stair up to the third floor, and there were two
23 apartments on the third floor as well. This
24 building was basically split in half on every
25 floor and there are apartments on each side. And

1 that's what the -- the -- what we are proposing
2 to do; even though the Building Department
3 recognizes this as one commercial on the ground
4 floor, and then one apartment on the second
5 floor, and one apartment on the third floor.

6 What we're looking to do is take those two
7 commercial spaces which are very awkward
8 commercial spaces in that corner, and change them
9 to residential, which I think is a better use
10 even though this is in the CN Zone. It's a
11 better use of the building; more appropriate.
12 It's a very difficult commercial spaces to get
13 to. I think it -- it's suited as residential.
14 And we're taking the existing footprint and
15 turning that into residential apartments.

16 So, on the ground floor, we have -- along
17 the east side of the building, we have a two-
18 bedroom apartment that's 806 square feet.
19 Utilizing that awkward space along the top, that
20 becomes a bedroom. Second bedroom here; kitchen,
21 living room, dining area here.

22 On the west side, we have a one-bedroom
23 that is 600 square feet.

24 If you go up the stairs to the second
25 floor, we have a -- on the east side, we have

1 another two-bedroom, and then on the west side,
2 we have a one-bedroom.

3 The east side is 830 square feet.

4 The west side is 514 square feet.

5 And it's the same exact footprint on the
6 third floor. There are logical ways of breaking
7 up this building. As one apartment, it would be
8 an extremely large apartment.

9 And we are asking for variances on parking.
10 We do not have any parking on the site. As I
11 said, we are -- the site is completely occupied
12 by the building. So, we have a total of a
13 parking requirement of 12 cars here. We are
14 requesting a variance on that.

15 We are also requesting a variance on
16 density because we don't meet the minimum
17 requirements of square footage for the
18 apartments. But then again, we can't make these
19 apartments any bigger in any way because we are
20 restricted by the existing envelope of the
21 building.

22 We're not looking to go any taller or
23 expand in any other way. It would be maintaining
24 the three-story structure, having two units per
25 floor that makes sense at this location.

1 That concludes my testimony unless there
2 are any other questions.

3 We're also taking this opportunity to make
4 the façade completely beautiful, making -- adding
5 residential style windows on the ground floor so
6 that this building looks uniform and one clean
7 façade for the entire thing, which would be
8 reconstructed from the ground.

9 CHAIRPERSON GRULLON: Are you -- Mr.
10 Pereira, are you doing anything in regards to
11 safety?

12 MR. PEREIRAS: Yes, absolutely.

13 So, this building is not currently
14 sprinklered. This new building, when we
15 construct a new structure, it would be fully
16 suppressed with an NFPA 13 system.

17 It is also going to have a low voltage
18 alarm system in the common areas.

19 It's also going to have a 110 volt alarm
20 system within each of the apartments.

21 There are fire separations everywhere;
22 between floors, between tenancies, between common
23 areas, and the apartments themselves.

24 So, at the end this is going to be a very
25 safe building.

1 In addition to that, since the building is
2 on the lot line, the exterior walls all become
3 two-hour exterior walls, so that they are going
4 to meet a high level of fire resistance.

5 And the building is going to have a parapet
6 all around so that if something were ever
7 constructed on the lot next to it, it would have
8 that additional fire safety of having the parapet
9 all the way around.

10 It's also somewhat critical, the -- the
11 building right now is completely dilapidated.
12 It's critical to tear this down and rebuild it
13 and -- and create this new structure.

14 CHAIRPERSON GRULLON: Mr. Pereiras, then
15 your request is to go from one commercial on the
16 ground floor to two apartments on the ground
17 floor?

18 MR. PEREIRAS: That's correct.

19 CHAIRPERSON GRULLON: And one commercial to
20 --

21 MR. PEREIRAS: That's part --

22 CHAIRPERSON GRULLON: -- to convert it --

23 MR. PEREIRAS: -- of my request.

24 CHAIRPERSON GRULLON: -- of the ground
25 floor?

1 MR. PEREIRAS: Yes.

2 CHAIRPERSON GRULLON: And then to legalize
3 one apartment in each of the other floors?

4 MR. PEREIRAS: Correct.

5 CHAIRPERSON GRULLON: Second and -- and
6 third floor, to make -- make the application's
7 right now is three unit and one commercial to two
8 apartment, that you want to go from three to six?

9 MR. PEREIRAS: Correct.

10 CHAIRPERSON GRULLON: To six apartments?

11 MR. PEREIRAS: Correct. The end units,
12 yes.

13 CHAIRPERSON GRULLON: Okay.

14 I don't have any question regarding to the
15 construction.

16 And I'm sorry.

17 You're going to be demolishing the interior
18 of the building?

19 MR. PEREIRAS: As part of an agreement with
20 the City, we are demolishing the entire building
21 and reconstructing it as is. So, we're going to
22 have a fresh opportunity to build this.

23 CHAIRPERSON GRULLON: And you're going to
24 have an empty lot and then you're going to bring
25 back all the non-conforming?

1 MR. PEREIRAS: So, Counsel could --

2 MS. PEREIRAS: Right.

3 MR. PEREIRAS: -- explain it better.

4 MS. PEREIRAS: So, we're in the middle of
5 litigation, and part of the settlement agreement
6 that we've entered into, --

7 And I'll -- with complete honesty, we
8 haven't signed off on it yet.

9 -- is that they will be able -- we will
10 demolish because of the dilapidated condition,
11 but the applicant would be able to rebuild
12 exactly what he has there now. So, up to the lot
13 line, the same stories, everything exactly as it
14 is now. We're taking this opportunity coming in
15 front of the Board to improve this project.

16 MR. PEREIRAS: So, in theory, the envelope
17 is going to be there --

18 MS. PEREIRAS: Yeah.

19 MR. PEREIRAS: -- whether this Board
20 approves it or not, it's going to get
21 reconstructed exactly the same way. It's going
22 to be a three-story structure at the lot lines.

23 The real question for this Board is whether
24 it's going to be two residential and one
25 commercial unit, or is it going to be six

1 apartments.

2 CHAIRPERSON GRULLON: I mean, I'm seeing
3 this as an opportunity to -- to help with the
4 setback, you know, for safety condition.

5 MR. PEREIRAS: Um-hum.

6 CHAIRPERSON GRULLON: And I don't know if
7 that's something that you can accommodate now
8 that you're going to be doing a new construction
9 on that lot. That's something that you --
10 applicant will consider to do?

11 MR. PEREIRAS: I think that --

12 MS. PEREIRAS: The settlement agreement has
13 taken us a very long time and we've been very
14 diligent about pursuing it, and we're finally at
15 the moment of just signing it. I'd rather not
16 change anything there.

17 MR. PEREIRAS: And -- and I don't believe
18 that setbacks are going to help this structure in
19 any way. We are on the property line along 6th
20 Street, which is the same as all the other
21 buildings --

22 CHAIRPERSON GRULLON: I mean, and I'm only
23 --

24 MR. PEREIRAS: -- so it doesn't make --

25 CHAIRPERSON GRULLON: -- concerned about

1 the -- the structure on the back of the building,
2 because it's -- right now it's attached.

3 No?

4 MR. PEREIRAS: Yes.

5 CHAIRPERSON GRULLON: Yeah, like maybe if
6 you could have three feet setback or something
7 like that.

8 MS. PEREIRAS: I -- we could.

9 MR. PEREIRAS: So, we could if this Board
10 wants that. The -- I don't know if that's a good
11 thing actually --

12 CHAIRPERSON GRULLON: Because that corner
13 --

14 MR. PEREIRAS: -- because that --

15 CHAIRPERSON GRULLON: -- building --

16 MR. PEREIRAS: -- that wall --

17 CHAIRPERSON GRULLON: -- I mean, I don't --
18 I don't mind having everything built to the
19 property -- to the -- you know, to the property
20 line --

21 MR. PEREIRAS: Um-hum.

22 CHAIRPERSON GRULLON: -- on the front of
23 the building and side of the building. But the
24 back of the building that is attached to another
25 building, now you have an opportunity to -- you

1 know, it's just do the -- the right thing and
2 provide --

3 MR. PEREIRAS: So this portion right here.

4 CHAIRPERSON GRULLON: -- some kind of
5 setback on the back just for -- in case of a fire
6 on the adjacent property. You know, they have a
7 way to get into the area.

8 MS. PEREIRAS: Mr. Chairman, can I just
9 have a quick minute?

10 CHAIRPERSON GRULLON: Sure.

11 MS. PEREIRAS: That way we can discuss it
12 and --

13 CHAIRPERSON GRULLON: Yes.

14 MS. PEREIRAS: -- maybe just confirm --

15 CHAIRPERSON GRULLON: Please. Yeah, okay.

16 MS. PEREIRAS: -- with our client.

17 MS. DILLON: Okay.

18 Off the record?

19 MR. PANEQUE: Off the record, please.

20

21 (Off the record at 7:59 p.m.)

22 (On the record at 8:14 p.m.)

23

24 MS. DILLON: On the record.

25 Okay.

1 THE SECRETARY: Okay.

2 On the record.

3 MR. PANEQUE: Mr. Gullon, Ms. Pereiras --
4 we took a short recess on this matter, as result
5 of a request by the Chairman for certain setbacks
6 to be made to the property.

7 And I know you had an opportunity to speak
8 to your client.

9 At the same time, we had a conversation
10 about this project. And the concern of the
11 Chairman at this time, is the fact that this
12 property is under settlement negotiations with
13 the City Attorneys, and that the intent here is
14 to bring down the structure completely.

15 MS. PEREIRAS: Um-hum.

16 MR. PANEQUE: And if this Board approves a
17 six-unit building from what we understand, that
18 would be used to get the City to authorize the
19 building to be put up back in the same amount of
20 units that this Board has approved.

21 The fact is, that this Board is concerned
22 with the creation of an empty lot with approvals
23 for a six-unit which is -- if you're starting out
24 from an empty lot, then there are many of the
25 conditions that could be met. But under the

1 settlement, you'd be putting back the same
2 structure which is non-conforming, so all of the
3 non-conforming issues would still be there; where
4 this -- this Board would have approached it
5 differently if we were starting out with an empty
6 lot.

7 As such, Mr. Chairman, you have a
8 recommendation at this time?

9 CHAIRPERSON GRULLON: My recommendation
10 would be to carry this application for the next
11 month meeting. Maybe that will give you an
12 opportunity to complete the settlement with the
13 City Attorneys, and then come back to us and
14 considering the recommendation and the -- and the
15 agreement. Or maybe just to come up and -- and
16 show us plans that are more conforming, you know,
17 for -- for an empty lot.

18 Okay?

19 My -- my recommendation are to -- to bring
20 this application back for the next meeting. I'm
21 hoping that you will have a decision by then.

22 MS. PEREIRAS: My fear, honestly, is this
23 will actually delay negotiations with the City
24 and resolving of the settlement agreement which I
25 don't think is what either the City or my client

1 | would anticipate. But I defer to this Board, if
2 | this Board is not -- does not feel inclined to
3 | continue hearing this application and make a
4 | decision. I think we might be back here next
5 | month on the same exact terms. But hopefully we
6 | can resolve something at that point.

7 | CHAIRPERSON GRULLON: Yes, Mr. --

8 | MR. PEREIRAS: May I -- may I propose
9 | something if -- if we may?

10 | The -- the settlement agreement is in place
11 | because the City feels that this is a dangerous
12 | structure. And potentially, if this Board were
13 | to approve this, it would allow them to release
14 | permits that have been in the Building Department
15 | this entire time pending this approval in which
16 | we could potentially repair -- make those repairs
17 | to the structure now.

18 | CHAIRPERSON GRULLON: Mr. Pereiras, but we
19 | --

20 | MR. PEREIRAS: You know, I -- I defer to
21 | you, and I understand.

22 | CHAIRPERSON GRULLON: Mr. Pereiras, but we
23 | are demolishing. When I -- when we -- we started
24 | hearing the application --

25 | MR. PEREIRAS: Um-hum.

1 CHAIRPERSON GRULLON: -- I was under the
2 impression that we were just changing the inside
3 of the building --

4 MR. PEREIRAS: Um-hum.

5 CHAIRPERSON GRULLON: -- you know, like
6 just the walls, and changing from two or from --
7 from two or commercial inside. But since we have
8 an empty lot now, it changed my -- the point of
9 view completely.

10 MR. PEREIRAS: I understand.

11 CHAIRPERSON GRULLON: I will just wait
12 until you have a decision made.

13 MR. PEREIRAS: Um-hum.

14 CHAIRPERSON GRULLON: Come back to us.
15 Might -- you might come up with the same proposed
16 plans, come up with -- but you're going to have
17 to take it from there after you get your
18 settlement with the City. I don't want to put
19 pressure on something that is not done yet. You
20 know, because if we make a decision here now, we
21 are telling then that that's what has to be built
22 and they will have no -- you know, part of
23 negotiation with how -- with the owner of the
24 property.

25 For that, I mean, I will make a motion to

1 adjourn this to the next meeting.

2 THE SECRETARY: December 9.

3 CHAIRPERSON GRULLON: December 9.

4 THE SECRETARY: Same place; six p.m.

5 Motion on the table to adjourn this --

6 VICE CHAIRPERSON GUTIERREZ: Second.

7 THE SECRETARY: -- application by Mr.

8 Grullon.

9 Seconded by Miss Gutierrez.

10 Roll call on the motion.

11 Mr. Grullon?

12 CHAIRPERSON GRULLON: Yes.

13 THE SECRETARY: Miss Gutierrez?

14 VICE CHAIRPERSON GUTIERREZ: Yes.

15 THE SECRETARY: Mr. Garcia?

16 MR. GARCIA: Yes.

17 THE SECRETARY: Mr. Ortiz?

18 MR. ORTIZ: Yes.

19 THE SECRETARY: Miss Perez?

20 MS. PEREZ: Yes.

21 THE SECRETARY: Mr. Cetinich?

22 MR. CETINICH: Yes.

23 THE SECRETARY: Miss Watley?

24 MS. WATLEY: Yes.

25 THE SECRETARY: Seven in favor.

1 Motion carries.

2 No new notice required?

3 MR. PANEQUE: No new notice, no.

4 Carlos, you're going to this plan?

5 All of them?

6 THE SECRETARY: Yes.

7 MR. PANEQUE: Okay.

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1 **Tianyi Ding -**

2 **1209 New York Avenue:**

3

4 THE SECRETARY: We're moving to number 7
5 now.

6 Tianyi Ding, 1209 New York Avenue.

7 MR. PANEQUE: Let the record reflect that
8 I've been provided with a certification as to
9 publication and service by Ms. Pereiras, with a
10 indication that notice of tonight's hearing with
11 respect to the property at 1209 New York Avenue,
12 was sent out to all property owners within the
13 200 foot radius on November 8th, 2021 as well as
14 published in the newspaper.

15 I also have a copy of the notice giving
16 notice of this hearing at this location, at the
17 Union City High School.

18 I also have an affidavit of publication
19 with a publication date of November 8th with
20 respect to the property at 1209 New York Avenue,
21 and it states that this variance application will
22 be heard at this location, the Union City High
23 School.

24 I also have a list from the Tax Assessor's
25 Office with a date of October 22nd giving the list

1 of property owners within a 200 foot radius of
2 1209 New York Avenue, as well as the certified
3 mail receipts with a postmark date of November
4 8th.

5 Based on the information provided, the
6 documents are in order, and this Board has
7 jurisdiction to proceed and hear this matter.

8 MS. PEREIRAS: Again, Bianca Pereiras, on
9 behalf of the applicant for 1209 New York Avenue,
10 in the City of Union City, Block 61.02, Lot 1.01.

11 Currently on-site we have a two-family
12 home. The application before the Board this
13 evening is to legalize a ground floor apartment.

14 We have one expert to testify. That is our
15 architect Mr. Manuel Pereiras.

16 MR. PEREIRAS: Manny Pereiras.

17 I recognize that I am still under oath.

18 MS. PEREIRAS: Mr. Pereiras, are you
19 familiar with the property at 1209 New York
20 Avenue?

21 MR. PEREIRAS: I am.

22 MS. PEREIRAS: And did you prepare the
23 drawings before the Board?

24 MR. PEREIRAS: I have.

25 MS. PEREIRAS: And would you kindly

1 describe the project to the Board?

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

3 This is a much simpler, great for a last.

4 This is an existing three-story frame, two-
5 family house. It is -- and it shares a party
6 wall with the adjoining structure.

7 We came before this Board a few years ago
8 to legalize a basement apartment at that
9 adjoining structure, at the sister building.
10 This is basically the same exact thing for this
11 structure. So, now both structures are going to
12 be equal, and the façade is going to be cleaned
13 up because instead of a garage door that's
14 dilapidated, it's going to be changed to
15 residential style windows.

16 What we're proposing to do is take that
17 existing ground floor and make an apartment
18 there. Maintain the apartment on the second
19 floor, and maintain the apartment on the third
20 floor. And the result -- end result we will have
21 a three-family house.

22 The ground floor apartment is going to have
23 a kitchen, dining room, living area, that is the
24 entire length of the house. And then a one-
25 bedroom which is ten by nine foot six, with a

1 nice walk-in closet. We're proposing a laundry
2 and bathroom there as well.

3 The ceiling height is seven foot two, which
4 is compliant.

5 And the square footage of the apartment is
6 854 square feet.

7 By doing this, we're going to be upgrading
8 the building and create some life safety
9 improvements, including providing a domestic line
10 sprinkler system for this unit, and doing a two-
11 hour fire separation between this unit and the
12 rest of the building, as well as fire alarms
13 throughout.

14 There are a series of existing non-
15 conformities.

16 We have lot size. We're at 2,000, whereas
17 2,500 is required.

18 We're at 20 foot width, whereas 25 is
19 required.

20 We have an existing non-conformity that we
21 are expanding as far as parking. Because this is
22 three units, we would be required to have six
23 cars. We only have two and those are two
24 existing cars along the front of the building, so
25 we seek a variance for parking as well.

1 That concludes my testimony. I am open for
2 questions.

3 CHAIRPERSON GRULLON: And your request is
4 for the ground floor, Mr. Pereiras?

5 MR. PEREIRAS: Correct.

6 It's the ground --

7 CHAIRPERSON GRULLON: Just the ground
8 floor.

9 MR. PEREIRAS: -- floor apartment.

10 CHAIRPERSON GRULLON: All existing
11 conditions, are you proposing any -- any work,
12 any type of work?

13 MR. PEREIRAS: Correct.

14 The -- the envelope of the building is not
15 expanding in any way. What we're proposing to do
16 is remove an existing garage door and replace
17 that with two residential windows.

18 And we are fully renovating that ground
19 floor, so it's going to be brand new apartment
20 when we're complete with it.

21 There is a nice rear yard. It's 40 feet,
22 which we're going to continue to keep.

23 There's a side yard of one foot five, which
24 is to be continued, and the other side yard is a
25 shared party wall.

1 CHAIRPERSON GRULLON: What -- what is there
2 now in the ground floor?

3 MR. PEREIRAS: So, it is a -- it's an
4 existing apartment that has been in pretty bad
5 repair, and it was partially demolished. So, we
6 are basically going to demolish the entire thing
7 so that it is a proper and adequate, beautiful
8 new apartment.

9 Originally it was two bedrooms. This space
10 is not large enough for two bedrooms, so we are
11 proposing a one-bedroom. There were other things
12 that were not appropriate in that existing
13 condition, so it's -- and it's basically becoming
14 an entire new apartment.

15 CHAIRPERSON GRULLON: And your request is
16 to renovate an illegal apartment and bring it up
17 to Code; make it legal?

18 MR. PEREIRAS: That is correct.

19 CHAIRPERSON GRULLON: Are -- are you
20 proposing any -- to improve safety conditions for
21 the build -- for the building?

22 MR. PEREIRAS: Yes, Mr. Chairman.

23 We're proposing a domestic line sprinkler
24 system for this unit.

25 We're also proposing a two-hour fire

1 separation between this unit and the apartment
2 above, as well as this unit and the common entry
3 area.

4 And we're also proposing a low voltage
5 alarm system in the common areas, and a 110 volt
6 alarm system for this unit as well.

7 CHAIRPERSON GRULLON: Okay.

8 I don't have any additional question.

9 Any member of the Board has any question?

10 Hearing none.

11 Any member of the public want to step
12 forward for this application?

13 Seeing none.

14 Closed to the public.

15 Taking in consideration that it's going to
16 improve the safety condition of the building, I
17 make a motion to grant this application.

18 THE SECRETARY: Motion on the --

19 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

20 THE SECRETARY: Motion on the table to
21 grant this application by Mr. Grullon.

22 Seconded by Mr. -- Miss Gutierrez.

23 Roll call on the motion.

24 Mr. Grullon?

25 CHAIRPERSON GRULLON: Yes.

1 THE SECRETARY: Miss 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: Miss Perez?
8 MS. PEREZ: Yes.
9 THE SECRETARY: Mr. Cetinich?
10 MR. CETINICH: Yes.
11 THE SECRETARY: Miss Watley?
12 MS. WATLEY: Yes.
13 THE SECRETARY: Seven in favor.
14 Motion carries.
15 MS. PEREIRAS: Thank you all very much.
16 Have a good night.
17 CHAIRPERSON GRULLON: Thank you.
18 MS. PEREIRAS: I think we're done.
19 MR. GARCIA: You too.
20 MR. PEREIRAS: Goodnight everyone.
21 CHAIRPERSON GRULLON: Goodnight.
22 MS. PEREIRAS: I'll see you next month.
23 CHAIRPERSON GRULLON: Good night.
24 MR. PEREIRAS: Thank you.
25 MR. GARCIA: See you next month.

1 MS. PEREIRAS: Thanks.

2 VICE CHAIRPERSON GUTIERREZ: Happy
3 Thanksgiving.

4 MS. PEREIRAS: Happy Thanksgiving.
5 Enjoy.

6 THE SECRETARY: Five more minutes.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (1.) Retraction of approval of variances for DDIS
4 Union City, LLC. 717 Bergenline Avenue. Block
5 35. Lot 7.01 due to error during presentation of
6 case. Matter to be re-heard at the December 9,
7 2021 meeting with notice requirement.

8 **Revocation of Approval**

9

10 THE SECRETARY: All right.

11 We're moving to Resolutions now.

12 Resolution number 1.

13 Retraction of approval of variance for DDIS
14 Union City, LLC, 717 Bergenline Avenue.

15 Can I have a motion?

16 MS. WATLEY: Aye.

17 CHAIRPERSON GRULLON: Motion.

18 VICE CHAIRPERSON GUTIERREZ: Motion.

19 THE SECRETARY: Motion by Mr. Grullon.

20 VICE CHAIRPERSON GUTIERREZ: Second.

21 THE SECRETARY: 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: Miss Perez?

5 MS. PEREZ: Yes.

6 THE SECRETARY: Mr. Cetinich?

7 MR. CETINICH: Yes.

8 THE SECRETARY: Miss Watley?

9 MS. WATLEY: Yes.

10 THE SECRETARY: Six in favor.

11 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (2.) Hung Fat INC. 1212-1216 Summit Avenue.
4 Block 58. Lots 26, 27, 28. Applicant proposing
5 addition of two (2) stories and new apartments,
6 12 residential units. The approval resolution
7 was memorialized on May 9, 2019. The applicant
8 is seeking for a one year extension. **Approved**

9

10 THE SECRETARY: We're moving to Resolution
11 number 2.

12 Hung Fat, Inc., 1212-1216 Summit Avenue.

13 Can I have a motion to adopt this
14 Resolution?

15 CHAIRPERSON GRULLON: Motion.

16 THE SECRETARY: Motion by Mr. Grullon.

17 VICE CHAIRPERSON GUTIERREZ: Second.

18 THE SECRETARY: Seconded by Miss Gutierrez.

19 Roll call on the motion.

20 Mr. Grullon?

21 CHAIRPERSON GRULLON: Yes.

22 THE SECRETARY: Miss Gutierrez?

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Garcia?

25 MR. GARCIA: Yes.

1 THE SECRETARY: Miss Perez?

2 MS. PEREZ: Yes.

3 THE SECRETARY: Mr. Cetinich?

4 MR. CETINICH: Yes.

5 THE SECRETARY: Miss Watley?

6 MS. WATLEY: Yes.

7 THE SECRETARY: Six in favor.

8 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (3.) S&R Realty Group, LLC. 146-148 49th Street.
4 Block 286. Lots 5 and 6. Applicant proposes the
5 construction of two new three-family houses. The
6 approval resolution was memorialized on June 13,
7 2019. The applicant is seeking for a one year
8 extension. **Denied**

9

10 THE SECRETARY: Resolution number 3.

11 S and R Realty Group, LLC, 146-148 49th
12 Street. This application was denied at the
13 previous meeting.

14 Can I have a motion to memorialize this
15 Resolution?

16 CHAIRPERSON GRULLON: Motion.

17 THE SECRETARY: Motion by Mr. Grullon.

18 VICE CHAIRPERSON GUTIERREZ: Second.

19 THE SECRETARY: Seconded by Miss Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: To deny.

21 THE SECRETARY: To memorialize the -- the
22 Resolution.

23 Roll call on the motion.

24 Mr. Grullon?

25 CHAIRPERSON GRULLON: Yes.

1 THE SECRETARY: Miss Gutierrez?

2 VICE CHAIRPERSON GUTIERREZ: Yes.

3 THE SECRETARY: Mr. Garcia?

4 MR. GARCIA: Yes.

5 THE SECRETARY: Miss Perez?

6 MS. PEREZ: Yes.

7 THE SECRETARY: Mr. Cetinich?

8 MR. CETINICH: Yes.

9 THE SECRETARY: Miss Watley?

10 MS. WATLEY: Yes.

11 THE SECRETARY: Six in favor.

12 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (4.) KW NJ Holdings, LLC. 2501 West Street.
4 Block 143. Lot 18. Convert two commercial units
5 in a mixed-use building to residential. The
6 property will continue to have one commercial
7 unit on-site and will remain as a mixed-use
8 property. **Approved**

9

10 THE SECRETARY: Resolution number 4.

11 KW NJ Holding, LLC, 2501 West Street.

12 Can I have a motion to memorialize this
13 Resolution?

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: Miss Perez?

1 MS. PEREZ: Yes.

2 THE SECRETARY: Mr. Cetinich?

3 MR. CETINICH: Yes.

4 THE SECRETARY: Miss Watley?

5 MS. WATLEY: Yes.

6 THE SECRETARY: Six in favor.

7 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (5.) 510 Bergenline Avenue, LLC. 510-514

4 Bergenline Avenue. Block 24. Lots 16, 17, 18.

5 The applicant proposes to demolish two existing

6 buildings, subdivide the property into four lots

7 and construct a new two-family dwelling on each

8 lot. **Approved (Revised plans received on 11-04-**

9 **2021)**

10

11 THE SECRETARY: Resolution number 5.

12 510 Bergenline Avenue, LLC, 510-514

13 Bergenline Avenue.

14 Can I have a motion to -- to adopt this

15 Resolution?

16 CHAIRPERSON GRULLON: Yes.

17 THE SECRETARY: Can I have a motion?

18 VICE CHAIRPERSON GUTIERREZ: Second.

19 THE SECRETARY: Motion by Mr. Grullon.

20 VICE CHAIRPERSON GUTIERREZ: Second.

21 THE SECRETARY: 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: Miss Perez?

5 MS. PEREZ: Yes.

6 THE SECRETARY: Mr. Cetinich?

7 MR. CETINICH: Yes.

8 THE SECRETARY: Miss Watley?

9 MS. WATLEY: Yes.

10 THE SECRETARY: Six in favor.

11 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (6.) Lidia Camacho. 713 7th Street. Block 30.

4 Lots 13. Applicant proposes the legalization of

5 a two-family dwelling. Approved

6

7 THE SECRETARY: Resolution number 6.

8 Lidia Camacho, 713 7th Street.

9 Can I have a motion to --

10 CHAIRPERSON GRULLON: Motion.

11 THE SECRETARY: -- adopt this Resolution?

12 CHAIRPERSON GRULLON: Motion.

13 THE SECRETARY: Motion by Mr. Grullon.

14 VICE CHAIRPERSON GUTIERREZ: Second.

15 THE SECRETARY: Seconded by Miss Gutierrez.

16 Roll call on the motion.

17 Mr. Grullon?

18 CHAIRPERSON GRULLON: Yes.

19 THE SECRETARY: Miss Gutierrez?

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 THE SECRETARY: Mr. Garcia?

22 MR. GARCIA: Yes.

23 THE SECRETARY: Miss Perez?

24 MS. PEREZ: Yes.

25 THE SECRETARY: Mr. Cetinich?

1 MR. CETINICH: Yes.

2 THE SECRETARY: Miss Watley?

3 MS. WATLEY: Yes.

4 THE SECRETARY: Six in favor.

5 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (7.) Mesivta Sanz of Hudson County. 3401 New
4 York Avenue. Block 205. Lot 9. The applicant
5 proposes to construct a new 5-story, 28 units
6 multi-family building. The building will be four
7 residential floors over one at grade level of
8 parking. **Approved**

9

10 THE SECRETARY: Resolution number 7.

11 Mesivta Sanz of Hudson County, 3401 New
12 York Avenue.

13 Can I have a motion to adopt this
14 Resolution?

15 CHAIRPERSON GRULLON: Motion.

16 THE SECRETARY: Motion by Mr. Grullon.

17 VICE CHAIRPERSON GUTIERREZ: Second.

18 THE SECRETARY: Seconded by Miss Gutierrez.

19 Roll call on the motion.

20 Mr. Grullon?

21 CHAIRPERSON GRULLON: Yes.

22 THE SECRETARY: Miss Gutierrez?

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Garcia?

25 MR. GARCIA: Yes.

1 THE SECRETARY: Miss Perez?

2 MS. PEREZ: Yes.

3 THE SECRETARY: Mr. Cetinich?

4 MR. CETINICH: Yes.

5 THE SECRETARY: Miss Watley?

6 MS. WATLEY: Yes.

7 THE SECRETARY: Six in favor.

8 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (8.) 111 35th Street, LLC. 111 35th Street.
4 Block 208. Lots 44, 45, 46. Applicant is
5 requesting for a 1-year extension. **The**
6 **application was Withdrawn on June 10, 2021**

7

8 THE SECRETARY: Resolution number 8.

9 111 35th Street, LLC, 111 35th Street.

10 This application was withdrawn on June
11 10th, 2021.

12 Can I have a motion to adopt this
13 Resolution?

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 -- Miss -- Mrs.
22 Gutierrez?

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 THE SECRETARY: Mr. Garcia?

25 MR. GARCIA: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: I think I wasn't here.

3 THE SECRETARY: That was -- that was on
4 June, June 10.

5 MR. ORTIZ: Yes.

6 THE SECRETARY: Miss Perez?

7 MS. PEREZ: Yes.

8 THE SECRETARY: Mr. Cetinich?

9 MR. CETINICH: Yes.

10 THE SECRETARY: Six in favor.

11 Motion carries.

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1 **ADJOURNMENT:**

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

6 Motion by Miss. Gutierrez.

7 Seconded by Miss Watley.

8 MS. WATLEY: Yes.

9 THE SECRETARY: All in favor?

10

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

12

13 THE SECRETARY: The ayes have it.

14 Thank you --

15 MS. WATLEY: Goodnight.

16 VICE CHAIRPERSON GUTIERREZ: Goodnight.

17 THE SECRETARY: -- and goodnight everyone.

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

20 Thank you.

21

22 (Whereupon, the proceedings were concluded
23 at 8:35 p.m.)

24

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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, November
10 18, 2021 and digitally recorded.

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Doreen A. Bolognini

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25 Monitored and proofread by: Deborah Dillon