

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, December 9, 2021
Commencing at 6:07 p.m.

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

MIGUEL ORTIZ, (Arrived at 6:17 p.m.)
ROSIO PENA, Alternate No. 1
GERALDINE PEREZ, Alternate No. 2
RAYMOND CETINICH, Alternate No. 3
MINDRY WATLEY, Alternate No. 4
MARGARITA GUTIERREZ, Vice Chairperson
VICTOR M. GRULLON, Chairperson

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

GEORGE GARCIA
LIBERO MAROTTA

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

CARLOS VALLEJO, Secretary to the Board

TOMAS R. PANEQUE, ESQ., Board Attorney

DAVID SPATZ, Consultant
Community Housing and Planning Associates

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

ANTHONY X. ARTURI, ESQ.,
Attorney for Applicant, 818 27th Street, LLC

J. ALVARO ALONSO, ESQ.
Attorney for Applicant,
Advanced Professional Plumbing H & C, LLC

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

J. ALVARO ALONSO, ESQ.
Attorney for Applicant, Franklin Medina

J. ALVARO ALONSO, ESQ.
Attorney for Applicant, SSA Development II, LLC

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 1210 Bergenline Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 9799 Ventures I, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Julio Colon

I N D E X

	<u>PAGE</u>
CALL TO ORDER	10
SALUTE TO FLAG	10
ROLL CALL	11
ADOPTION OF MINUTES	13
HEARINGS	
818 27 th Street, LLC	14
Advanced Professional Plumbing H & C, LLC	37
DDIS Union City, LLC	48
Franklin Medina	68
SSA Development II, LLC	75
BB 6th Holdings, LLC	94
1210 Bergenline Avenue, LLC	98
9799 Ventures I, LLC	106
Julio Colon	119
ADOPTION OF RESOLUTIONS	128/130/132/134 136/138/140/142
ADJOURNMENT	144

I N D E X

818 27th Street, LLC
818 27th Street

WITNESSPAGE

Jose Carballo
John Leoncavallo

16
23

E X H I B I T SNO. DOCUMENTPAGE

A-1 Plans dated 5-24-21

17

A-2 Photographs

18

I N D E X

Advanced Professional Plumbing H & C, LLC
405 42nd Street

WITNESSPAGE

Nassir Almukhtar

39

I N D E X

DDIS Union City, LLC
717 Bergenline Avenue

WITNESSPAGE

Manuel J. Pereiras

50

I N D E X

SSA Development II, LLC
202 Bergenline Avenue

WITNESSPAGE

Ignatius Caramia

81

I N D E X

9799 Ventures I, LLC
1219 Bergenline Avenue

<u>WITNESS</u>	<u>PAGE</u>
Manuel J. Pereiras	108

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Color Rendering	115

I N D E X

Julio Colon
2608 New York Avenue

WITNESSPAGE

Manuel J. Pereiras

120

1 MS. DILLON: On the record.

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

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

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

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, has
16 been posted on the bulletin board in City Hall,
17 has been made available to the public in the
18 Office of the Municipal Clerk.

19 Also, it has been posted on the front door
20 of the Union City High School.

21 Before we -- we roll call for this evening
22 meeting, can everybody rise to salute the flag,
23 please?

24

25 (Whereupon, the Pledge of Allegiance was

1 said by all.)

2

3 THE SECRETARY: Thank you.

4

5 **ROLL CALL:**

6

7 THE SECRETARY: Okay.

8 Roll call for tonight's meeting.

9 Mr. Grullon?

10 CHAIRPERSON GRULLON: Here.

11 THE SECRETARY: Mr. Marotta?

12 Is absent.

13 Miss Gutierrez?

14 VICE CHAIRPERSON GUTIERREZ: Here.

15 THE SECRETARY: Mr. Ortiz?

16 Is absent.

17 Mr. Garcia?

18 Is absent.

19 Mr. Medina is absent (sic).

20 Miss Pena?

21 MS. PENA: Present.

22 THE SECRETARY: Miss Perez?

23 MS. PEREZ: Here.

24 THE SECRETARY: Mr. Cetinich?

25 MR. CETINICH: Here.

1 THE SECRETARY: Miss Watley?

2 MS. WATLEY: Here.

3 THE SECRETARY: Let the record indicate
4 there are six present.

5

6 * * *

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1 **ADOPTION OF MINUTES:**

2

3 Regular Meeting Held on November 18, 2021.

4

5 THE SECRETARY: Approval of previous
6 meeting minutes of November 18, 2021.

7 Can I have a motion?

8 CHAIRPERSON GRULLON: Motion.

9 THE SECRETARY: Motion by Mr. Grullon.

10 VICE CHAIRPERSON GUTIERREZ: Second.

11 THE SECRETARY: Seconded by Miss Gutierrez.

12 Roll call on the motion.

13 Mr. Grullon?

14 CHAIRPERSON GRULLON: Yes.

15 THE SECRETARY: Miss Gutierrez?

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 THE SECRETARY: 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: Five in favor.

24 Motion carries.

25 * * *

1 **818 27th Street, LLC -**

2 **818 27th Street:**

3

4 THE SECRETARY: All right.

5 We've moving to hearings and applications
6 on tonight's agenda.

7 Number 1.

8 818 27th Street, LLC.

9 Mr. Arturi, please?

10 MR. ARTURI: Yes. This one or this one?

11 MS. DILLON: It doesn't matter.

12 MR. ARTURI: Okay.

13 Thank you.

14 Good evening, Mr. Chairman, members of the
15 Board.

16 I'm Anthony Arturi.

17 I represent the applicant here, 818 27th
18 Street, for certain bulk variances for existing
19 non-conforming and a use variance to establish a
20 studio basement apartment. And the applicant is
21 here with me if anybody needs his testimony.

22 I have an architect and a planner as well
23 that could establish jurisdiction. If there's a
24 question as to it, I had sent to the Board
25 Secretary in advance, proof of publication and

1 proof of mailing. I have the originals with me.
2 Should I hand them up or?

3 MR. PANEQUE: Yes, please.

4 Thank you, Mr. Arturi.

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

7 MR. PANEQUE: Thank you.

8 For the record, I've been provided by Mr.
9 Arturi with the following documentation:

10 I have an affidavit of service indicating
11 that notice of tonight's hearing was served on
12 all property owners within the 200 foot range of
13 the property at 818 27th Street. Said affidavit
14 is signed by Mr. Arturi.

15 I've also been provided with a list from
16 the Tax Assessor's Office indicating all property
17 owners within the 200 foot radius of 818 27th
18 Street. Said list is dated October 22nd, 2021.

19 I've also been provided with copies of the
20 certified mail receipts with a postmark date of
21 November 9th, 2021 as well as an affidavit of
22 publication from The Jersey Journal, indicating
23 that notice of tonight's hearing at this location
24 at the high school with respect to the property
25 at 818 27th Street, was given and published on

1 November 24th, 2021.

2 Based on the documentation that has been
3 provided, this Board has jurisdiction to proceed
4 and hear this matter.

5 THE SECRETARY: Thank you.

6 CHAIRPERSON GRULLON: You may --

7 MR. ARTURI: Can I -- may I proceed?

8 CHAIRPERSON GRULLON: -- proceed, Mr.
9 Arturi.

10 MR. ARTURI: Good evening, ladies and
11 gentlemen.

12 The -- just to summarize the application,
13 this is an existing six-unit building in the R-1
14 low density zone where there's a maximum of three
15 units available. So, we are existing non-
16 conforming as we are. The existing building is
17 also larger than the zone allows for certain bulk
18 side yard, front yard; and we need some C
19 variances and we need a D variance for use.

20 So, I have an architect, Jose Carballo, who
21 I would ask to come up as my first witness.

22 MS. DILLON: Please raise your right hand.

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

25 MR. CARBALLO: Yes, I do.

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

3 MR. CARBALLO: Sure.

4 Jose Carballo, C-A-R, B as in boy, A-L-L-0.

5 MS. DILLON: Thank you.

6 MR. CARBALLO: You're welcome.

7 MR. ARTURI: Okay.

8 Mr. Chairman, Mr. Carballo's been here many
9 times --

10 CHAIRPERSON GRULLON: He --

11 MR. ARTURI: -- and be certified as an
12 expert in architecture.

13 CHAIRPERSON GRULLON: Yes, we accept his
14 qualifications.

15 MR. CARBALLO: Thank you, Mr. Chairman.

16 CHAIRPERSON GRULLON: Welcome back, Mr.
17 Carballo.

18 MR. ARTURI: Thank you.

19 Mr. Carballo, so as not to waste any time,
20 can you take the Board through the application in
21 your plan?

22 I see you're pointing to a plan. Can we
23 call that Plan A-1?

24

25 (Whereupon, Plans Dated 5-24-21, were

1 received and marked as Exhibit A-1.)

2

3 (Whereupon, Photographs were received and
4 marked as Exhibit A-2.)

5

6 MR. CARBALLO: Yes, we can.

7 It's actually A-1 and A-2. A-1 consisting
8 of the project itself. A-2 consisting of photos
9 of the -- not just the property in question, but
10 also the neighborhood.

11 MR. ARTURI: Okay.

12 Can you describe -- describe the
13 application and what's in your plan from an
14 architectural point of view?

15 MR. CARBALLO: Certainly.

16 As Counsel explained, it's a six-unit
17 building. It's an existing building. It's a
18 three-story building. And what we're trying to
19 do is enlarge and legalize a basement unit that
20 exists; it hasn't been occupied for a while.

21 Excuse me.

22 It's in disrepair, and again, we're trying
23 to legalize it -- trying to legalize it.

24 This application does not include any
25 extension, additions, or any modifications to the

1 existing building. It's all happening within the
2 volume of the building. It's happening in the
3 basement. You notice -- if you notice on the
4 drawings we have the existing basement plan and
5 it shows the existing unit as -- as it is right
6 now.

7 What we're trying to do is not only
8 legalize and modernize it, but also enlarge the
9 unit.

10 Right now it's about 250 square feet.
11 We're adding another 50 square feet to the unit.
12 It's 300 square feet. We understand that it
13 doesn't comply with the 400 minimum square foot
14 -- square footage that we need for a -- a studio
15 unit, but this is the most that we've been able
16 to expand this unit, this existing unit.

17 It's going to comply with, you know, all of
18 the Code. It's -- it's going to be fire rated.
19 It's going to be sprinklered. It's got -- meets
20 the exits and meets the height. It's seven foot
21 six height of the -- that unit. So, we -- we
22 think it's going to be a -- it will be a -- a
23 safe unit to -- to inhabit.

24 Aside from that, you know, we -- I read
25 through Mr. Spatz's report.

1 The one thing that we really don't comply
2 with is parking. That's -- like I said, it's an
3 existing building. It occupies most of the
4 property, at least the frontage of the -- the
5 property. So, there's no possibility of adding
6 any more parking or any parking per se to this
7 unit.

8 Other than that, I'm here for -- for
9 questions.

10 MR. ARTURI: I just have one question, Mr.
11 Carballo.

12 MR. CARBALLO: Sure.

13 MR. ARTURI: For Mr. Spatz's report, there
14 are certain bulk variances that are required for
15 side yard, front yard, just for the record.
16 Obviously, we don't meet those, but can you
17 explain why we don't meet those?

18 MR. CARBALLO: Well, those are preexisting,
19 you know, bulk violations or non-compliances.
20 Like I said, we -- we're not expanding the
21 building. We're not adding on to it. So,
22 whatever is there is existing. It's -- it's
23 actually preexisting to this application and
24 we're not going to exacerbate any of those
25 variances.

1 We do have a planner tonight who will be
2 talking about that, so from an architectural
3 point of view, this is my -- my comment.

4

5 (Whereupon, Board Member Miguel Ortiz
6 arrived at 6:17 p.m.)

7

8 THE SECRETARY: May I have one second,
9 please?

10 Let the record reflect that Mr. Ortiz
11 joined the meeting. We are now at seven members.

12 Thank you.

13 MR. ARTURI: Thank you.

14 MR. CARBALLO: Sure. No problem.

15 MR. ARTURI: So, just for clarification,
16 Mr. Carballo, this is -- the project, if
17 approved, is totally for the interior of the
18 building and there's no change at all to the
19 footprint?

20 MR. CARBALLO: Absolutely.

21 The interior of the building, and that is
22 limited to the basement area.

23 MR. ARTURI: Again, how many square feet of
24 living space was there as -- as found when you
25 did your inspection?

1 MR. CARBALLO: It -- it was about 250
2 square feet. We're adding 50 square feet to it.
3 Now it's 300 square feet.

4 MR. ARTURI: Okay.

5 Did -- did you as part of your
6 investigation for an architectural standpoint,
7 try to investigate whether we could make the
8 particular unit 400 feet?

9 MR. CARBALLO: No, we actually did make
10 this unit as large as possible. We do have some
11 utilities in the basement, so you know, meters
12 and -- and things of that nature. And -- and all
13 of those need certain clearances, so we kept
14 those. So, the most we can do is enlarge it by
15 another 50 square feet.

16 MR. ARTURI: Okay.

17 Thank you.

18 I have no further questions.

19 If anybody has questions for Mr. Carballo?

20 CHAIRPERSON GRULLON: Thank you, Mr.
21 Carballo.

22 Mr. Arturi, you -- you mentioned that you
23 have another witness?

24 MR. ARTURI: I do.

25 CHAIRPERSON GRULLON: Could you just bring

1 your next witness, if we have questions for Mr.
2 Carballo, we do it at the end?

3 MR. ARTURI: Sure.

4 Okay.

5 MR. CARBALLO: I'll be here.

6 Thank you.

7 MR. ARTURI: I have --

8 CHAIRPERSON GRULLON: Thank you, --

9 MR. ARTURI: -- a planner --

10 CHAIRPERSON GRULLON: -- Mr. Carballo.

11 MR. ARTURI: -- witness, John Leoncavallo.

12 MS. DILLON: Hello.

13 Please raise your right hand.

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

16 MR. LEONCAVALLO: I do.

17 MS. DILLON: Could you please state your
18 name and spell it for the record?

19 MR. LEONCAVALLO: First name is John; last
20 name is Leoncavallo. It's L-E-O-N-C-A-V-A-L-L-O.

21 MS. DILLON: Thank you.

22 MR. LEONCAVALLO: I'm a -- I've testified
23 before this Board and before the Planning Board.
24 I have approximately over 35 years' experience as
25 a consultant planner, professional planner, in

1 the State of New Jersey; testified before more
2 than 280 planning boards and zoning boards and in
3 superior court.

4 CHAIRPERSON GRULLON: Thank you, Mr.
5 Leoncavallo.

6 MR. LEONCAVALLO: Thank you.

7 CHAIRPERSON GRULLON: We accept your
8 qualifications.

9 MR. LEONCAVALLO: Thank you.

10 MR. ARTURI: Thank you.

11 Mr. Leoncavallo, so as not to waste any
12 time, did you make an analysis of the proposed
13 project and review Mr. Carballo's plans, and
14 investigate the property?

15 MR. LEONCAVALLO: Yes, I did.

16 MR. ARTURI: Okay.

17 And can you explain what you looked at?

18 MR. LEONCAVALLO: Okay.

19 I looked at all the existing conditions. I
20 looked at the proposed conditions of Mr.
21 Carballo's plan, the ordinances, and the -- the
22 last Master Plan, and in '19 -- 2019
23 Reexamination Report.

24 MR. ARTURI: Okay.

25 MR. LEONCAVALLO: The site contains one lot

1 | which is Block 156, Lot 7. It's 25 by a hundred.
2 | And on it is a development of a three-story
3 | structure, a multi-family with six units. And
4 | then the address is 818 27th Street.

5 | The surrounding area is predominantly
6 | residential, a nice mix of different uses and
7 | different structures and forms. It fits in
8 | together well as a particular and unique zone and
9 | -- and it's the R Residential Low Density Zone.

10 | Multi-family dwellings are not permitted;
11 | that's why we're here before you tonight. We're
12 | adding one small unit as Mr. Carballo testified
13 | to. It's 302 square feet. The requirements are
14 | 400 square feet. Obvious -- and we cannot meet
15 | that.

16 | If you look at the plan, you see there's
17 | meters in the vicinity downstairs which need to
18 | be cordoned off. That leaves us at the most 302
19 | square feet. So, they added 50 square feet to
20 | the existing 250 square feet. So, you're up to a
21 | total of 302 square feet.

22 | We also don't have any parking. There is
23 | parking in the area. There's parking which does
24 | exist. I took advantage of it tonight, parking
25 | in the -- the garage which is nearby for the high

1 school. I -- I don't know exactly if that's --
2 can be used, but I parked there and I think you
3 can park there at night.

4 So, we don't have any parking but we -- we
5 think we don't need any because what we're
6 looking to target here is a studio -- studio
7 apartment, 300 square feet, which is good for
8 someone at different income levels; somebody who
9 has, you know, not so affluent, another person
10 who maybe just gotten divorced, or a widower.
11 Sometimes all these people need a small place.
12 They don't want a large place with additional
13 expense.

14 The -- the basis for the relief under the
15 C-2 is the relief for expansion of a non-
16 conforming use, and that's the creation of one
17 small unit of 302 square feet. We have C relief
18 needed for the 302 square feet, where 400 square
19 feet is required. But we meet the importances
20 (sic). We meet all Building Codes and
21 requirements. We don't have any parking, but we
22 feel that we don't need any more parking with
23 this small unit.

24 The legal basis for the relief is under the
25 D relief, the use variance relief, is -- is under

1 the Burbbridge standard, which you know about and
2 the C relief is -- can be both under the C-1 and
3 the over use of -- or the use of the C-2
4 balancing test to look at where the benefits
5 outweigh the detriments. And that's what happens
6 here.

7 There's positive criteria from this
8 application, and it relates to the purposes of
9 zoning as -- as it does and most of the -- the
10 D-1 and D-2 uses.

11 The project itself promotes diversity and
12 the housing types to meet the needs of all people
13 and incomes. The unit will cater to young
14 professionals starting out or an adult in
15 transition; one who is possibly a widower or is
16 in the midst of some transition where he needs a
17 smaller place and doesn't need a lot of room.

18 The project promotes sufficient land use.
19 Residential use in the area is walkable. There's
20 a tran -- it's a transit-friendly area. On
21 Summit Street, there are a number of bus stops
22 that people can pick up so you don't even need a
23 car for this use.

24 The project promotes positive aesthetics
25 and there's no change in this very attractive

1 building. It's all on the inside on the right
2 side of -- of the structure. For parking we
3 don't need. The project is -- is a very
4 attractive older building which will not change
5 at all. All we need to do is -- is really put up
6 some -- some structure inside the building to
7 create a bathroom, closet, kitchen, and a all in
8 one open area for bedroom.

9 All the above purposes of the land use are
10 covered under Sections of the Municipal Land Use
11 Law, and those would be A, G, I, and M.

12 A stands for or talks about guiding the
13 approval use or the approve -- the appropriate
14 use in a manner which is -- promotes the public
15 health, safety, morals, and the general welfare.

16 G talks about to -- provides sufficient
17 space in appropriate locations for a variety of
18 residential uses in terms of needs of all New
19 Jersey citizens. And -- and that would include
20 uses for people who are divorced, widowers, and
21 people of different incomes who can't afford
22 larger apartments.

23 To promote a desirable visual environment
24 under I.

25 And finally, to encourage coordination of

1 public and private procedures and processes, to
2 create a more efficient use of the land.
3 Obviously, we're doing that here by maximizing of
4 the -- this existing unit, so we will have seven
5 units.

6 The negative criteria is -- is met under
7 the -- the relief. There's no substantial
8 detriment to the area or to the Zone Plan. The
9 character of the area creates a lesser reliance
10 on the automobile which justifies the parking
11 relief that we are asking for tonight.

12 The site is adequately at a carrying
13 capacity to accommodate the use. It physically
14 fits in the space, as you can see very tightly,
15 for 302 square feet. We -- as we said, we could
16 not create the 400 square feet given what we have
17 in the area and we need to separate that
18 residential unit from the other unit. But it --
19 but it's also very safe. There's no problem.

20 There's two means of exit from the -- from
21 the basement apartment. The unit complies with
22 all, all Building Codes and does not create
23 overcrowding, and is not leaving a condi -- an
24 unsafe condition by creating this additional one
25 unit.

1 So, I would ask that the application is
2 passing the statutory criteria for the grant of
3 the relief that we're asking for here, and the
4 relief can be granted without substantial
5 detriment to the area and zone, and I would
6 respectfully ask for your approval tonight. And
7 it's my opinion that the -- the approval was also
8 warranted per my testimony.

9 CHAIRPERSON GRULLON: Thank you, Mr.
10 Leoncavallo.

11 MR. ARTURI: Thank you, sir.

12 CHAIRPERSON GRULLON: Mr. Leoncavallo,
13 could you repeat again how will this promote
14 safety condition from the construction? You --
15 you mentioned the -- that it has two mean of
16 egress?

17 MR. LEONCAVALLO: Yes, and I think your
18 architect talked -- there's -- it has to have two
19 means of egress. If you look at the plans, there
20 are two means of egress for -- for the structure,
21 from the front and from the back. There are
22 windows that are attached to this structure which
23 are able to be accessed and escape from if needed
24 to be.

25 The -- the unit itself is isolated from the

1 | surrounding meters by walls, but when you take
2 | those walls and do the -- the subtraction, you
3 | only can do 300 feet. It's about 300 square
4 | feet, and that's why we need the -- the variance
5 | for -- for that under the requirement of 400
6 | square feet under the R Low Density Zone.

7 | CHAIRPERSON GRULLON: Okay, thank you.
8 | Thank you for the explanation.

9 | My next question will be for the architect.

10 | MR. ARTURI: Okay.

11 | CHAIRPERSON GRULLON: Okay.

12 | Mr. Carballo?

13 | MR. CARBALLO: Yes, Mr. Chairman.

14 | CHAIRPERSON GRULLON: On this -- on this
15 | plan that I have labeled A-1, right below the --
16 | the new studio just you mentioned 19th Street. Is
17 | that a typo or something?

18 | MR. CARBALLO: I'm sorry, 19 what?

19 | CHAIRPERSON GRULLON: Nineteenth Street.
20 | Where is the property located?

21 | MR. CARBALLO: Yeah, I'm not sure why
22 | that's there. Obviously, that's -- that's
23 | incorrect.

24 | CHAIRPERSON GRULLON: Could you come for
25 | one second?

1 Maybe I have this wrong.

2 MR. PANEQUE: No, he saw it.

3 MR. CARBALLO: No, no. It does say it on
4 mine as well.

5 CHAIRPERSON GRULLON: Oh, it does?

6 Okay.

7 MR. CARBALLO: I think that was something
8 that was left over from -- from something else.

9 But yes, it -- it is 27th Street.

10 CHAIRPERSON GRULLON: Twenty-seven it's
11 supposed to be?

12 MR. CARBALLO: Yes.

13 CHAIRPERSON GRULLON: And -- and again, I
14 don't know if you can answer these questions.

15 The division of the walls between the
16 apartment and the meter, is that -- is that going
17 to be fire rated?

18 MR. CARBALLO: Yes, and I -- and I think I
19 did explain that before.

20 We're going to comply with all the Codes
21 and you have the fire rating; not just the walls,
22 but also we have a ceiling assembly from that
23 basement to the first floor and it's going to be
24 sprinklered as well.

25 CHAIRPERSON GRULLON: Okay.

1 Excellent. Okay.

2 I don't have any further question.

3 Do you guys have any questions?

4 VICE CHAIRPERSON GUTIERREZ: Uh-huh.

5 CHAIRPERSON GRULLON: I don't have any more
6 questions.

7 At this time we want to open to the public.
8 Anyone wants to step forward for this
9 application?

10 Hear none.

11 Closed to the public.

12 Taking in consideration that they will be
13 meeting all Building Department Codes and making
14 the -- the space -- the living space, you know,
15 safe for the -- to occupy the unit for the
16 residents, I will make a motion, my motion to
17 grant this application to increase from six
18 dwelling unit to seven dwelling units.

19 THE SECRETARY: Motion on the table to
20 approve this application by Mr. Grullon.

21 VICE CHAIRPERSON GUTIERREZ: I'm seconding.

22 THE SECRETARY: Seconded by 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. Ortiz?
4 MR. ORTIZ: Yes.
5 THE SECRETARY: Miss Pena?
6 MS. PENA: 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 MR. ARTURI: Thank you, Mr. Chairman.
16 MR. CARBALLO: Thank you and good evening.
17 MR. ARTURI: Do accept it --
18 CHAIRPERSON GRULLON: Have to ask for a
19 correction on the --
20 MR. PANEQUE: Yes.
21 CHAIRPERSON GRULLON: Mr. Carballo?
22 MR. PANEQUE: Mr. Carballo?
23 MR. ARTURI: Mr. Carballo?
24 CHAIRPERSON GRULLON: Mr. Carballo?
25 MR. CARBALLO: Yes?

1 CHAIRPERSON GRULLON: Could you resubmit
2 this with the correct --

3 MR. CARBALLO: Oh, absolutely, yeah.

4 CHAIRPERSON GRULLON: Yeah, okay.

5 MR. CARBALLO: Absolutely.

6 MR. ARTURI: So, we're going to -- we're
7 going to resubmit A-1 and A-2, before the
8 Resolution?

9 CHAIRPERSON GRULLON: Do I have A-2 here?
10 I already have A-1. Do you have A-2?

11 MR. ARTURI: But he had A -- Mr. Carballo
12 had referred to A-1 and A-2. I had A-1.

13 Right?

14 MS. DILLON: What is the date of A-1, just
15 so we're clear?

16 MR. ARTURI: May 24th, 2021.

17 MS. DILLON: Okay.

18 MR. ARTURI: He -- we didn't really speak
19 about A-2, but he had A-2 in front of him, so he
20 identified both for the record.

21 MR. PANEQUE: We don't have an A-2.

22 MR. ARTURI: Okay.

23 So, only A-1 was something we discussed
24 anyway for the record. We'll resubmit to correct
25 the typo from 19th Street.

1 CHAIRPERSON GRULLON: Correct.

2 MR. ARTURI: How long?

3 MR. CARBALLO: Couple of days.

4 MR. ARTURI: Couple of days.

5 MR. CARBALLO: I'll get it to you in a
6 couple of days.

7 THE SECRETARY: At this ten days before --
8 before the next hearing date.

9 MR. ARTURI: Okay.

10 MR. CARBALLO: It -- it will be ready for
11 then.

12 MR. ARTURI: Thank you.

13 Thank you, everyone.

14 CHAIRPERSON GRULLON: Thank you.

15 MR. CARBALLO: Take care everyone.

16 MR. PANEQUE: Thank you.

17 Take care.

18 MR. CARBALLO: Merry Christmas.

19 CHAIRPERSON GRULLON: Merry Christmas.

20 MR. PANEQUE: Likewise. Merry Christmas.

21 MS. PENA: Happy holidays.

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

24

25

* * *

1 **Advanced Professional Plumbing H & C, LLC -**
2 **405 42nd Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, Advanced Professional Plumbing
6 H & C, LLC, 405 42nd Street.

7 Mr. Alonso, please?

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

10 MR. VITALE: Thank you, everybody.

11 Merry Christmas.

12 Happy New Year.

13 CHAIRPERSON GRULLON: Merry Christmas.

14 VICE CHAIRPERSON GUTIERREZ: Thank you.

15 You too.

16 MR. PANEQUE: Merry Christmas.

17 MR. VITALE: Thank you.

18 MR. ALONSO: Good evening, Mr. Chairman and
19 members of the Board.

20 For the record, Alvaro Alonso, on behalf of
21 the applicant.

22 I'm going to provide my proofs to Counsel.

23 Thank you.

24 MR. PANEQUE: Thank you, Mr. Alonso.

25 Let the record reflect that I've been

1 provided with the following documentation:

2 I have an affidavit of service signed by
3 Mr. Alonso, indicating that notice of tonight's
4 hearing with respect to the property at 405 42nd
5 Street was provided to all property owners within
6 the 200 foot radius, on November 27th.

7 I've also been provided with a list from
8 the Tax Assessor's Office noting all property
9 owners within the 200 foot radius of 405 42nd
10 Street. Said list is dated October 29th, 2021.

11 I've also been provided with an affidavit
12 from The Jersey Journal. Said notice in The
13 Jersey Journal indicates that notice was given
14 for hearing tonight at this location with respect
15 to the property at 405 42nd Street, and the notice
16 was published on November 27th.

17 I've also been provided with a copy of the
18 notice that was sent out, as well as the
19 certified mail receipts with a postmark date
20 stamp of November 27th, 2021.

21 Based on the documentation provided, this
22 Board has jurisdiction to proceed and hear this
23 matter.

24 MR. ALONSO: Thank you very much.

25 Just -- this is an application to demolish

1 a structure and to construct a parking lot. If
2 you drive past the property, the parking lot has
3 already been completed. There was an adjacent 25
4 by 100 lot which had a parking lot. My client
5 then purchased the property next door which had a
6 two-story structure. My client went to the
7 Building Department, obtained the permits for the
8 demolition, and for the construction of the
9 parking lot, and -- and it is, in fact, completed
10 and in operation.

11 The Building Department then has determined
12 that the parking lot is a conditionally permitted
13 use, so we needed to come before the Board in
14 order for them to issue the permits.

15 So, we're now here asking for the approval
16 in order to submit that to -- to the Building
17 Department so that their records are -- are
18 complete.

19 The -- the -- essentially, we need one
20 variance. It's a D-3 conditional use variance
21 for parking within the private property line.

22 I have one witness this evening, Nassir,
23 please, our architect.

24 MS. DILLON: Sir, --

25 MR. ALMUKHTAR: Good evening.

1 MS. DILLON: -- please raise your right
2 hand.

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

5 MR. ALMUKHTAR: Yes, I do.

6 MS. DILLON: Can you please state your name
7 and spell it for the record?

8 MR. ALMUKHTAR: Sure.

9 It's Nassir Almukhtar. N-A-S-S-I-R. And
10 the last name is A-L-M-U-K-H-T-A-R.

11 MS. DILLON: Thank you, sir.

12 MR. ALMUKHTAR: Thank you.

13 MR. ALONSO: Okay.

14 Okay, Nassir, you are a -- a licensed
15 architect in the State of New Jersey.

16 Is that correct?

17 MR. ALMUKHTAR: Yes.

18 MR. ALONSO: Okay.

19 And how long have you been licensed?

20 MR. ALMUKHTAR: Since 2003.

21 MR. ALONSO: Okay.

22 And have you appeared in Boards such as
23 this in the past?

24 MR. ALMUKHTAR: Yes, I have appeared in
25 front of numerous Boards; accepted in all of them

1 as an expert witness in the field of
2 architecture, including this Board.

3 MR. ALONSO: Okay.

4 CHAIRPERSON GRULLON: Thank you.

5 We accept your qualifications.

6 MR. ALMUKHTAR: Thank you, sir.

7 CHAIRPERSON GRULLON: You may proceed.

8 MR. ALONSO: Thank you.

9 I -- I gave a preliminary overview to -- to
10 the Board, and -- and this actually is a parking
11 lot that has already been completed.

12 Is that correct?

13 MR. ALMUKHTAR: Yes, that's correct.

14 MR. ALONSO: Were you part of the process
15 right from the beginning?

16 MR. ALMUKHTAR: Yes.

17 MR. ALONSO: Okay.

18 Can you just walk the Board through what
19 the process was and how it is that we got here?

20 And then I'm going to ask you to go and
21 just review the plans.

22 MR. ALMUKHTAR: Sure.

23 So, approximately two -- two years ago, the
24 -- the client purchased the adjacent lot;
25 consisted a structure, an existing structure.

1 The one next to it was already owned by the --
2 the client or the applicant, and it was paved.
3 We did apply for demolition permit and paving for
4 the parking lot basically to provide parking for
5 the building across the street that the client
6 had and to provide sufficient parking for them.

7 So, we did obtain the demolition permit.
8 We submitted the drawings we are proposing. With
9 the two lots it's 50 by a hundred lot which is
10 5,000 square feet, and we were able to provide 14
11 parking spaces; four of them are parallel parking
12 and ten -- the other ten are perpendicular
13 parking spaces. One of them is a handicapped
14 parking space.

15 MR. ALONSO: Now, you indicated that the
16 parking lot is used by the business across the
17 street.

18 Is that a medical office building?

19 MR. ALMUKHTAR: It's a medical office
20 building. It occupies the entire site. They
21 don't have any parking, so they -- they do have
22 some difficulty in parking for the doctors and
23 for the -- for their clients, so that was the
24 intent of providing this parking lot.

25 MR. ALONSO: Okay.

1 And the -- the parking lot is fenced in?

2 MR. ALMUKHTAR: That's correct. It's only
3 for the use of the medical building across the
4 street.

5 MR. ALONSO: Okay.

6 And we meet all the conditions with the
7 exception of parking close to the property line.

8 Is that correct?

9 MR. ALMUKHTAR: That's correct.

10 MR. ALONSO: And can --

11 MR. ALMUKHTAR: Within the required
12 setback.

13 MR. ALONSO: And can you just describe that
14 condition for the Board?

15 MR. ALMUKHTAR: Sure.

16 I believe it's five feet required setback,
17 compliant with this requirement, reduces the
18 parking capacity significantly. As I mentioned
19 before, we were able to provide 14 parking
20 spaces. If we fully comply with the five foot
21 setback, it probably will go down to -- if we
22 fully comply with the dimensional requirements,
23 probably go down to four parking spaces only --

24 MR. ALONSO: Okay.

25 MR. ALMUKHTAR: -- for the entire lot. So,

1 | it really doesn't make sense.

2 | MR. ALONSO: Okay.

3 | And the -- the construction has been
4 | completed. The Building Department has done all
5 | their inspections; everything's been approved.
6 | And we have a CO subject to Board approval.

7 | Is that correct?

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

9 | MR. ALONSO: Okay.

10 | Mr. Chairman, I have no further questions.

11 | CHAIRPERSON GRULLON: Okay.

12 | He's your only witness?

13 | MR. ALONSO: That's correct.

14 | CHAIRPERSON GRULLON: Well, Mr. Alonso,
15 | typically we don't see application here looking
16 | to propose parking spaces, you know, in that --
17 | in areas where it's very much needed. I know
18 | it's already constructed and be -- be able to
19 | accommodate 14 -- 14 cars, you know, just to get
20 | them off the street in an area that is very
21 | congested. Could you just -- just for the Board,
22 | could you just go over the size of the spaces one
23 | more time?

24 | MR. ALMUKHTAR: Sure.

25 | So, the sizes are nine by 18 for the

1 perpendicular parking spaces, and 22 by nine for
2 the parallel parking space.

3 The back-up space is a little bit short,
4 about six inches -- less than six inches which I
5 -- I think they can accommodate it, especially
6 that this is a private parking lot. It's not a
7 public parking lot.

8 CHAIRPERSON GRULLON: The -- the
9 requirement is 24?

10 MR. ALMUKHTAR: Twenty-four, that's
11 correct.

12 CHAIRPERSON GRULLON: Yeah, okay.

13 MR. ALMUKHTAR: Yeah.

14 CHAIRPERSON GRULLON: And will be two ways
15 to -- to enter and to exit the parking lot?

16 MR. ALMUKHTAR: That's correct.

17 CHAIRPERSON GRULLON: And that parking lot
18 is going to be used by the --

19 MR. ALONSO: The medical office.

20 CHAIRPERSON GRULLON: -- medical office?
21 Is that adjacent to the parking, or?

22 MR. ALONSO: It's across the street.

23 CHAIRPERSON GRULLON: Across the street.

24 I don't have any more questions.

25 Do you have any questions?

1 Okay.

2 Hear none, I want to open -- at this time I
3 want to open to the public. If anyone from the
4 public has any -- want to step forward on this
5 application?

6 Hear none.

7 Closed to the public.

8 Again, you know, taking in consideration
9 that parking spaces in that area, especially it's
10 very congested, it's very much needed, I like
11 seeing the application like this that using an
12 entire lot just to provide parking, I have no
13 objection to this.

14 I will make my motion to grant this
15 application.

16 THE SECRETARY: Motion on the table to
17 grant the application by Mr. Grullon.

18 Any second the motion?

19 VICE CHAIRPERSON GUTIERREZ: Second.

20 THE SECRETARY: Seconded by Miss Gutierrez.
21 Roll call on the motion.

22 Mr. Grullon?

23 CHAIRPERSON GRULLON: Yes.

24 THE SECRETARY: Miss Gutierrez?

25 VICE CHAIRPERSON GUTIERREZ: Yes.

1 THE SECRETARY: Mr. Ortiz?

2 MR. ORTIZ: Yes.

3 THE SECRETARY: Miss Perez?

4 MS. PEREZ: Yes.

5 THE SECRETARY: Mr. Cetinich?

6 MR. CETINICH: Yes.

7 THE SECRETARY: Miss Watley?

8 MS. WATLEY: Yes.

9 THE SECRETARY: Seven in favor.

10 Motion carries.

11 MR. ALONSO: Thank you.

12 MR. ALMUKHTAR: Thank you.

13 CHAIRPERSON GRULLON: Thank you.

14 MR. ALMUKHTAR: Happy holidays.

15 CHAIRPERSON GRULLON: Happy holidays to you
16 too.

17 VICE CHAIRPERSON GUTIERREZ: Happy holiday.

18

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

21

22 * * *

23

24

25

1 **DDIS Union City, LLC -**
2 **717 Bergenline Avenue:**

3

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

7 Mr. Alvaro Alonso?

8 MR. ALONSO: Thank you, Mr. Vallejo.

9 Again, for the record, Alvaro Alonso, on
10 behalf of the applicant.

11 I'm providing Counsel with my proofs.

12 MR. PANEQUE: Thank you.

13 Let the record reflect that I've been
14 provided by Mr. Alonso with the following
15 documentation:

16 I have an affidavit signed by Mr. Alonso,
17 indicating that notice of tonight's hearing was
18 provided to all property owners within a 200 foot
19 radius of 717 Bergenline Avenue.

20 I've been provided with a copy of the
21 notice that went out with a -- from Mr. Alonso's
22 office giving notice of tonight's hearing at this
23 location. I've been provided with the tax list
24 from the Tax Assessor's Office noting all
25 property owners within the 200 foot radius of 717

1 Bergenline Avenue; said tax list was done on
2 November 23rd, 2021.

3 I've also been provided with an affidavit
4 of publication; said affidavit of publication
5 notes that the meeting will take place tonight at
6 this location at the high school with respect to
7 the property of 717 Bergenline Avenue. The
8 notice was published in the newspaper on November
9 27th.

10 I've also been provided with the certified
11 mail receipts with a postmark date of November
12 27th, 2021.

13 Based on the proofs that have been
14 submitted, this Board has jurisdiction to proceed
15 and hear this matter.

16 MR. ALONSO: Thank you very much.

17 Members of the Board, I'm just going to
18 give you a quick overview. You may recall that
19 originally this was before the Board on July 8th
20 of this year. It was an application to legalize
21 an existing apartment in a mixed use building.

22 Mr. Pereiras, my architect, who was sworn
23 in and started to testify. Before you concluded
24 an issue came up with respect to the memo that is
25 provided by the Building Department.

1 We then adjourned the -- the hearing in
2 order to get an updated or revised memo. We came
3 back on September 9th. We still had not received
4 the -- the memo, and then we came back on October
5 14. At that time the memo was received;
6 everything was clarified, and Mr. Pereiras
7 continued his testimony and concluded.

8 The Board voted to approve the application.
9 What happened then is, Mr. Paneque, in reviewing
10 the transcripts in order to prepare the
11 Resolution, discovered that the testimony wasn't
12 complete. So, what we're doing here is, we
13 provided the notices and we're presenting Mr.
14 Pereiras once again in order to have a complete
15 record from which Mr. Paneque can then prepare
16 the Resolution, and hopefully the Resolution can
17 be adopted this evening.

18 With that said, I'm going to have Mr.
19 Pereiras sworn in.

20 MS. DILLON: Please raise your right hand.

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

23 MR. PEREIRAS: I do.

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

1 MR. PEREIRAS: Manny Pereiras, P-E-R-E-I-R-
2 A-S, with Pereiras Architects Ubiquitous, 1116
3 Summit Avenue, Union City.

4 MS. DILLON: Thank you.

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

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

8 CHAIRPERSON GRULLON: You may proceed.

9 MR. ALONSO: Okay.

10 Mr. Pereiras, we're going to do this one
11 more time.

12 MR. PEREIRAS: Okay.

13 MR. ALONSO: This is an application to
14 legalize an existing unit to go to a four-unit
15 residential with one commercial.

16 Is that correct?

17 MR. PEREIRAS: That is correct.

18 MR. ALONSO: Okay.

19 MR. PEREIRAS: Hello, members of the Board.
20 It's a pleasure to be here again.

21 I'm going to start with the site. The
22 conditions on the site are existing to remain.
23 We are not proposing any changes. This building
24 is on the corner of Bergenline and 8th Street on
25 the south -- on the southwest corner of it.

1 On the -- on Bergenline Avenue there is 50
2 feet of frontage. In that 50 feet of frontage,
3 there's a preexisting curb cut there where two
4 cars park in that curb cut. The setback to the
5 south is --

6 MR. PANEQUE: Mr. Alonso, excuse me?

7 CHAIRPERSON GRULLON: I'm sorry. We don't
8 have the correct memo?

9 MR. PANEQUE: Do you have a memo that shows
10 that it's a three-unit?

11 MR. ALONSO: We had that at the last
12 meeting.

13 MR. PEREIRAS: Yeah.

14 MR. PANEQUE: Yeah. Unless -- do we have
15 the --

16 CHAIRPERSON GRULLON: Carlos?

17 MR. PANEQUE: -- from the last meeting?

18 MR. ALONSO: I -- I think the --

19 THE SECRETARY: From the Building
20 Department?

21 MR. ALONSO: -- the issue was -- the issue
22 was that the original memo said it was only
23 commercial; there was no residential. And then
24 the memo that was -- the subsequent memo cleared
25 that up.

1 MR. PANEQUE: Okay.

2 MR. ALONSO: And let me see where I can
3 find it.

4 MR. PANEQUE: Here, this is the memo I
5 have.

6 CHAIRPERSON GRULLON: Yeah.

7 THE SECRETARY: Want to stamp --

8 MR. PANEQUE: Yeah.

9 THE SECRETARY: You have that one?

10 MR. PANEQUE: Because Mr. Pereiras, your
11 application is to go from three to four
12 residential.

13 MR. PEREIRAS: That's correct, with one
14 commercial.

15 MR. PANEQUE: Okay.

16 So the commercial's not the issue here, Mr.
17 Pereiras, and Mr. Alonso. The issue is that the
18 memo that we have now, it -- it's going from --
19 it says it's a two residential unit and a
20 commercial space.

21 MR. ALONSO: Correct.

22 What -- what happened, the original memo
23 said it was only commercial, that there were no
24 residential --

25 MR. PANEQUE: Correct.

1 MR. ALONSO: -- units. We then got this
2 memo which is dated September 23rd, which says two
3 residential, which at least now we know that
4 there were residential units. At that time, I
5 believe I had Mr. Pereiras testify that we will
6 accept, because I think in order to move forward,
7 and not have to get another memo, we accepted the
8 findings of the Building Department as to the two
9 units and we had Mr. Pereiras put the testimony
10 with respect to the other two units; the one that
11 we were looking to legalize and then to legalize
12 the fourth unit.

13 MR. PANEQUE: Okay.

14 So --

15 MR. ALONSO: And that's it.

16 MR. PANEQUE: -- your application this
17 evening, just so that we're all clear and on the
18 same page; you're asking this Board to approve a
19 variance to convert this property from a two-unit
20 plus commercial, to a four-unit plus commercial?

21 MR. ALONSO: Correct.

22 MR. PANEQUE: Okay.

23 CHAIRPERSON GRULLON: Okay now.

24 MR. PANEQUE: All right.

25 If that's the case, we can accept the

1 presentation this evening, but Mr. Pereiras, on
2 your building plan, you're showing that you're
3 going from three to four.

4 MR. PEREIRAS: That's correct.

5 And I -- subject to potential approval by
6 this Board, I could provide Mr. Spatz with
7 revised plans so that for the Resolution we could
8 have the documents reflecting what is said in my
9 testimony tonight.

10 MR. PANEQUE: Okay.

11 That's acceptable.

12 Thank you.

13 MS. DILLON: Can you uncover my mic?

14 MR. PEREIRAS: I just wanted to verify that
15 --

16 MS. DILLON: My mic.

17 MR. PEREIRAS: -- the documents you have
18 are the same that I have.

19 MR. PANEQUE: One second.

20 MS. DILLON: The microphone. Can you
21 uncover my mic?

22 MR. PANEQUE: Oh. I'm not talking loud
23 enough.

24 MS. DILLON: No, you're -- you're making --

25 MR. PANEQUE: Oh, I'm sorry.

1 MS. DILLON: -- you're making noise on the
2 mic.

3 MR. PANEQUE: Sorry, Debbie.

4 MR. ALONSO: You're crinkly.

5 MS. DILLON: Thank you.

6 MR. PANEQUE: Okay.

7 All right, so once again, just to
8 reiterate, the applicant's application at this
9 particular moment is to go from two units to four
10 in order to be in compliance with the Building
11 Department memo.

12 MR. PEREIRAS: Correct.

13 MR. PANEQUE: And we just wanted you to
14 then provide testimony as to the two units that
15 you're asking this Board to legalize.

16 MR. PEREIRAS: Yes, sir.

17 MR. PANEQUE: All right.

18 Thank you, sir.

19 MR. PEREIRAS: Thank you.

20 So, I'll start from the top and describe
21 the building from a site plan perspective.

22 We are not changing anything on the site
23 plan. It's a preexisting site plan. There's 50
24 feet of frontage on Bergenline Avenue with an
25 existing curb cut on Bergenline Avenue, which

1 accommodates two vehicles.

2 The -- there are 58 feet of frontage on 8th
3 Street with -- which also has a curb cut along
4 here, which accommodates another vehicle. So, we
5 have parking for three vehicles on this site.
6 That still creates a deficiency of parking -- a
7 deficiency of parking; however, there is no
8 changes to the site and we cannot accommodate any
9 more parking spaces. That's a hardship that the
10 applicant has.

11 That said, we are not changing anything
12 else in the site. There is an existing seven
13 foot setback to the south. There is an existing
14 seven foot setback to the west. There is zero
15 foot setback along Bergenline Avenue, and a zero
16 foot setback along 8th Street.

17 When we go to our table and see the
18 variances that we have, we have a lot that's
19 2,900 square feet. That's oversized, where only
20 400 -- 400 less is required in the -- in the
21 district.

22 We have a frontage of 50 where 25 is only
23 required.

24 We have a depth of only 58 feet because of
25 this corner lot. Therefore, that's an existing

1 non-conformity that we're requesting variances
2 for.

3 There is a -- no front yard. No variance
4 is required there.

5 And the only additional variance is for
6 parking, and of course, use.

7 On the site there are three levels to this
8 building. The first level is the basement which
9 is below grade. That level used to have studio
10 apartments. That was demolished and permits were
11 taken out on that, and that was removed and it's
12 not part of this application. It is only storage
13 and mechanical spaces.

14 The ground floor has a preexisting bakery.
15 That is not in question with this application.

16 And there's a preexisting apartment next to
17 that which is 580 square feet with two bedrooms.
18 And that is also part of a preexisting and not
19 questioned.

20 On the second floor; however, that's where
21 we have three apartments where it looks like the
22 City only recognized one.

23 Those apartments are labeled as Apartment
24 Number 2, which is 590 square feet along here.
25 That is a two bed -- a two-bedroom apartment.

1 The Apartment Number 3, is a five hundred
2 and -- 450 square foot apartment. That is an
3 existing two-bedroom apartment -- no, it's a one-
4 bedroom apartment.

5 And then Apartment Number 4, along
6 Bergenline Avenue, on the lower, is 484 square
7 feet, and that is an existing two-bedroom
8 apartment as well.

9 Again, we are not looking to make any
10 changes to these apartments. These all have
11 tenants that have been living there for many
12 years, and we're not looking to disturb them,
13 other than to bring things up to Code.

14 So there are several things that we're
15 going to be doing to bring this up to Code.

16 There is going to be an introduction of an
17 alarm system; a low voltage alarm systems to
18 common spaces. There's an alarm system going in
19 within each of these apartments that it's going
20 to come up to grade.

21 There is also fire separations that are
22 going to be done throughout this building in
23 order to bring this to Code.

24 Beyond that, we're not looking to intervene
25 or make any other changes. We're not looking to

1 make any changes on the exterior of this building
2 either.

3 That concludes my testimony, and I'm open
4 for any questions.

5 CHAIRPERSON GRULLON: Mr. Pereiras, are you
6 proposing to do any construction?

7 MR. PEREIRAS: So, we want to disturb the
8 people as little as possible, so the only
9 construction that we're proposing is to bring
10 things up to Code. So, in the -- this basically
11 the -- the upper level, the second floor, what
12 we're doing is we're going to be creating fire
13 separations. That means we're going to be adding
14 Sheetrock to the ceilings and Sheetrock's to the
15 -- to the common area walls so that we could
16 bring up the -- the fire separation in case
17 there's a fire; fire travels slowly and allows
18 people to escape.

19 CHAIRPERSON GRULLON: Did you say you had
20 tenants in those apartments?

21 MR. PEREIRAS: I believe there are -- they
22 are all occupied and they've been occupied for
23 many years.

24 CHAIRPERSON GRULLON: See, my question is,
25 because Apartment Number 4, it's a really tiny

1 | bedroom there. You -- you're calling it a two-
2 | bedroom apartment. There's no closet. Doesn't
3 | look like a living space in that entire area
4 | there.

5 | MR. PEREIRAS: And -- and the access to
6 | that bedroom is through another bedroom. It's
7 | currently being used as a bedroom. It's been
8 | used as a bedroom for probably 30 years. The
9 | family's lived there for a long time. We're
10 | looking to displace them as little as possible.

11 | If this Board deems fit, I can label that
12 | as a den. There's no objection to doing so.
13 | There is no closet in there. And -- and if you
14 | notice, there isn't even a door there. So, from
15 | the zoning perspective, in my revised drawings, I
16 | could provide -- I could change the labeling of
17 | that room to a den and make it only a den, not a
18 | bedroom. And those will be the drawings I'll
19 | provide the -- the Board Secretary.

20 | CHAIRPERSON GRULLON: Sure, because if in
21 | the future, they move out of that apartment, that
22 | becomes a one-bedroom apartment with a den.

23 | MR. PEREIRAS: I agree.

24 | CHAIRPERSON GRULLON: Okay.

25 | You're looking to legalize two units here.

1 Do we have to make sure which units you're
2 looking to legalize? Because you only have one
3 units here, asking for legalization.

4 MR. PEREIRAS: We're -- we're going to be
5 legalizing that floor. In theory, if there was
6 only one unit there, and we make it into three,
7 there's three units that we're reconfiguring.
8 So, it's all three units. We're going to be
9 doing work on that entire floor, bringing that
10 entire floor up to Code.

11 CHAIRPERSON GRULLON: That -- that's going
12 to be part of the conditions; just when you label
13 the -- re-label the plan, just turning each of
14 the two that you looking to --

15 MR. PEREIRAS: I'll be labeling --

16 CHAIRPERSON GRULLON: -- legalize.

17 MR. PEREIRAS: -- Apartment 3 and 4 as the
18 two apartments to be legalized.

19 CHAIRPERSON GRULLON: Okay.

20 MR. PEREIRAS: One of the nice things about
21 this building is that we have setbacks from the
22 sides. That's something that we rarely have,
23 particularly in existing buildings. So, the
24 emergency escape and egress windows really
25 comply. Firefighters could get to this building

1 | very well. It's actually a very attractive
2 | aspect to this from a life safety standpoint and
3 | from an aesthetic standpoint in the street. It
4 | helps a lot.

5 | CHAIRPERSON GRULLON: Are you proposing a
6 | sprinkle in this building?

7 | MR. PEREIRAS: So, yes.

8 | There -- there is a -- I will present to
9 | the Building Department that this is a
10 | preexisting non-conforming use. Based on that,
11 | the Building Department will either interpret
12 | that we do or do not need sprinklers, and I would
13 | like to leave it up to the Building Department
14 | whether that decision is finally made. The -- if
15 | this was an existing condition, it would not
16 | require sprinklers. If this is considered new,
17 | it would require sprinklers.

18 | CHAIRPERSON GRULLON: You're going to --
19 | you're going to consider to do the best and
20 | safety for the resident.

21 | MR. PEREIRAS: Yeah.

22 | CHAIRPERSON GRULLON: And even if the
23 | Building Department doesn't require sprinkles, I
24 | will suggest to add a sprinkle because it's going
25 | from two-family legally to a four-family.

1 MR. PEREIRAS: We'll be happy to comply
2 with that as a -- as a condition.

3 CHAIRPERSON GRULLON: Yes. All right.

4 And there's nothing -- you're not doing any
5 -- anything on the exterior of the building?

6 MR. PEREIRAS: No, not unless the Build --
7 the Board -- you know, makes any suggestions; we
8 -- we're not planning on it.

9 CHAIRPERSON GRULLON: No.

10 And the parking spaces, you say that it
11 provides three on-site parking?

12 MR. PEREIRAS: Currently, three cars park
13 there, yes. It's extremely tight. There's only
14 seven feet between the building and the property
15 line. Most cars are about five foot ten average
16 in width. It's obviously very tight, but in
17 Union City any parking space, that counts, and
18 that's being used.

19 CHAIRPERSON GRULLON: And this is existing;
20 you're not creating any additional curb cuts?

21 MR. PEREIRAS: Correct. These are both
22 existing curb cuts.

23 CHAIRPERSON GRULLON: Thank you, Mr.
24 Pereiras.

25 I don't have any more questions.

1 You have any questions?

2 Not for the Board?

3 Any members of the public want -- has any
4 questions for this application?

5 Open to the public.

6 Closed to -- hear none, closed to the
7 public.

8 THE SECRETARY: Mr. Gullon, for
9 clarification, it will be legal -- legalizing two
10 apartments?

11 CHAIRPERSON GRULLON: Yes.

12 THE SECRETARY: In total, four apartments
13 and one commercial?

14 CHAIRPERSON GRULLON: Yes. Correct.

15 THE SECRETARY: Thank you.

16 CHAIRPERSON GRULLON: Considering that they
17 are going to bring the safety conditions up to
18 Code on this application; and also will be
19 condition to make the stated corrections on the
20 -- on the plans, changing the two bedroom
21 apartment to one bedroom and a den area, and
22 doing the necessary changes on the label, I make
23 a motion to grant this application.

24 THE SECRETARY: Motion on the table to
25 grant the application by -- by Mr. Gullon.

1 Any second the motion?

2 VICE CHAIRPERSON GUTIERREZ: Second it.

3 THE SECRETARY: Seconded by Miss Gutierrez.

4 CHAIRPERSON GRULLON: Actually to -- to go
5 from two and one commercial to four apartments
6 and one commercial.

7 THE SECRETARY: Roll call on the motion by
8 Mr. Grullon to approve this application.

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, with all
15 the conditions.

16 THE SECRETARY: Mr. Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Miss Perez?

19 MS. PEREZ: Yes.

20 THE SECRETARY: Mr. Cetinich?

21 MR. CETINICH: Yes.

22 THE SECRETARY: Miss Watley?

23 MS. WATLEY: Yes.

24 THE SECRETARY: Seven in favor.

25 Motion carries.

1 MR. ALONSO: Thank you.

2 MR. PEREIRAS: Thank you.

3

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

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1 **Franklin Medina -**

2 **522 4th Street:**

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4 THE SECRETARY: Next application on
5 tonight's agenda is seeking one year extension,
6 Franklin Medina, 522 4th Street.

7 Mr. Alonso, please?

8 MR. ALONSO: Thank you.

9 Again, Alvaro Alonso, on behalf of the
10 applicant.

11 This is an application for an extension of
12 the prior approval. This application had a bit
13 of history, and the Board may recall.

14 My client was issued violations by the
15 Building Department for illegal units. We
16 presented the proofs that those -- the four units
17 had, in fact, existed for -- for many, many, many
18 years. The Board approved the application.

19 My client had been working with Yordi Mesa
20 who was an inspector from the Building Department
21 as a result of those violations. Once we were
22 approved, he started working with Mr. Mesa in
23 order to get the proper permits in order to bring
24 it up to Code.

25 Mr. Mesa has since retired during the whole

1 COVID. Case kind of got thrown off course. The
2 file has been lost in the Building Department.

3 Now, my client is trying to get it resolved
4 because things are going back to normal, and they
5 have deemed that the app -- that the approvals
6 have expired in the interim.

7 So, they asked us just to come back to the
8 Board, get a Resolution extending the approvals
9 so my client can go back and complete the -- the
10 work.

11 CHAIRPERSON GRULLON: Okay.

12 Mr. Alonso, is this the first request for
13 approval for extension?

14 MR. ALONSO: I believe it's my first
15 request.

16 CHAIRPERSON GRULLON: And -- and this is --
17 this application, just to -- to refresh our
18 memories, is to legalize units, or was new
19 construction?

20 MR. ALONSO: No, no; to legalize.

21 CHAIRPERSON GRULLON: To legalize unit.
22 It's not a new construction.

23 MR. ALONSO: No.

24 CHAIRPERSON GRULLON: Yeah.

25 Okay.

1 Can you just --

2 One second --

3 MR. ALONSO: Sure.

4 CHAIRPERSON GRULLON: -- Mr. Alonso.

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

7 MR. PANEQUE: Mr. Alonso, how much time
8 does your client need to get this in order?

9 And the reason I ask is, if you look at the
10 timeline here, the Resolution was February 2018.
11 It would have lapsed in February 2020. You were
12 within your rights to ask for an extension, a
13 one-year extension would have carried you to
14 February 2021. And you would have been within
15 your rights also to ask for a second extension,
16 2022, February.

17 MR. ALONSO: Correct.

18 MR. PANEQUE: But we're almost around the
19 corner.

20 MR. ALONSO: Correct.

21 Is there a way to get -- give me a six-
22 month extension?

23 CHAIRPERSON GRULLON: The one year
24 extension we carry to February, no?

25 MR. PANEQUE: Well, we have -- if we look

1 at the timeline here --

2 CHAIRPERSON GRULLON: Yes.

3 MR. PANEQUE: -- the first extension would
4 have carried him only through February of 2021,
5 which has already come and gone. A second
6 extension of one year would have carried him
7 through February of 2022. So, technically if we
8 grant this extension, it would --

9 CHAIRPERSON GRULLON: Yes.

10 MR. PANEQUE: -- it would only be until
11 February 2022, but we're right around the corner,
12 and that's almost doing nothing for purposes of
13 what he needs to do with the Building Department.

14 CHAIRPERSON GRULLON: Would that be
15 sufficient time for you to get the permits?

16 MR. ALONSO: I -- I don't know because he
17 has -- they have to recreate the entire file.

18 MR. PANEQUE: Six months from now, or how
19 about June 30th?

20 MR. ALONSO: June 30 is fine.

21 MR. PANEQUE: I can suggest that. I mean,
22 it's taking us beyond the two-year period after,
23 but I -- I believe this Board, under the
24 circumstances, and COVID, and so forth, can make
25 an accommodation for that. We're in special

1 times, I would say.

2 MR. ALONSO: I appreciate that.

3 CHAIRPERSON GRULLON: Does that give
4 sufficient time for your client to --

5 MR. ALONSO: Yes. Yeah, because it's
6 really -- really just the time to prepare the --
7 the permit application at least and submit it.
8 So once you -- once it's submitted, then the --
9 the clock stops.

10 CHAIRPERSON GRULLON: I don't have any
11 objection with that.

12 Any members of the Board?

13 Okay.

14 MR. PANEQUE: Now, Mr. Alonso, just so that
15 we're clear, there will be no further extensions
16 because we -- we're now going beyond the two-year
17 period.

18 MR. ALONSO: Understood.

19 MR. PANEQUE: Okay.

20 CHAIRPERSON GRULLON: Okay.

21 Open to the public.

22 Any member of the public?

23 Closed to the public.

24 Taking in consideration the special
25 circumstances that happened, for your client to

1 obtain the -- the permits, and I make a motion to
2 grant this -- well, this extension to the June
3 30th, 2022.

4 THE SECRETARY: Motion on the table to
5 grant the extension by Mr. Grullon.

6 VICE CHAIRPERSON GUTIERREZ: Second.

7 CHAIRPERSON GRULLON: With -- with no
8 further extensions.

9 THE SECRETARY: Seconded by Miss Gutierrez.
10 Roll call on the motion to grant the
11 extension.

12 Mr. Grullon?

13 CHAIRPERSON GRULLON: Yes.

14 THE SECRETARY: Miss Gutierrez?

15 VICE CHAIRPERSON GUTIERREZ: Yes.

16 THE SECRETARY: Mr. Ortiz?

17 MR. ORTIZ: Yes.

18 THE SECRETARY: Miss Pena?

19 MS. PENA: Yes.

20 THE SECRETARY: Miss Perez?

21 MS. PEREZ: Yes.

22 THE SECRETARY: Mr. Cetinich?

23 MR. CETINICH: Yes.

24 THE SECRETARY: Miss Watley?

25 MS. WATLEY: Yes.

1 THE SECRETARY: Seven in favor.

2 Motion carries.

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

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1 **SSA Development II, LLC -**

2 **202 Bergenline Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, SSA Development II, LLC, 202
6 Bergenline Avenue.

7 Miss Perez is going to recuse --

8 MR. PEREZ: Yes.

9 THE SECRETARY: -- on this application.

10 MR. PEREZ: Yes.

11 THE SECRETARY: We have only six members.

12 Thank you.

13

14 (Whereupon, Board Member Geraldine Perez,
15 recused and stepped down from the dais.)

16

17 MR. ALONSO: Thank you.

18 Good evening, members of the Board.

19 Again, Alvaro Alonso, providing proofs to
20 your Counsel.

21 MR. PANEQUE: For the record, I've been
22 provided by Mr. Alonso with an affidavit of --
23 signed by Mr. Alonso, indicating the notice of
24 tonight's hearing with respect to the property at
25 202 Bergenline Avenue and was provided to all

1 property owners within the 200 foot radius.

2 I've also been provided with a copy of the
3 notice that went out giving notice at this
4 location for tonight's hearing with respect to
5 202 Bergenline Avenue, as well as the Tax
6 Assessor's list of all property owners within the
7 200 foot radius of the property; said list was
8 done on November 8th, 2021.

9 I've also been provided with an affidavit
10 of publication; said affidavit of publication
11 indicates that notice was provided to all -- of
12 tonight's hearing on December 9th with respect to
13 the property 202 Bergenline Avenue for a hearing
14 to take place at this location; said notice was
15 published on November 27th, 2021.

16 I've also been provided with copies of the
17 certified mail receipts with a postmark date of
18 November 27.

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

22 MR. ALONSO: Thank you very much.

23 CHAIRPERSON GRULLON: You may proceed, Mr.
24 Alonso.

25 MR. ALONSO: Excuse me.

1 This is an application to construct a new
2 three-family house. As all my applications, this
3 one has a bit of a history also. My clients
4 purchased the property as a three-family house.
5 At the time that they purchased it, there
6 appeared to have been a structural issue in one
7 of the walls.

8 The property was habited -- inhabited by
9 tenants. No violations had been issued. It was
10 the intention just to make the repairs. The City
11 had never taken a position with respect to the
12 tenants living in -- in the space.

13 Unfortunately, the City then issued
14 violations indicating that the property was
15 unsafe and the tenants had to vacate and the
16 structure had to be torn down. We did not agree
17 with that.

18 The City then went ahead and they filed a
19 verified complaint in Superior Court to have the
20 structure demolished. It was cost prohibitive to
21 -- to litigate this matter, so the structure was,
22 in fact, demolished.

23 We then filed an application to construct a
24 new three-family house, and the Board knows or
25 should know, that a three-family house was

1 permitted by zone. The law had changed
2 permitting three families. Then there came a
3 time when the zone changed to prohibit the three
4 families and only permit two families.

5 Our application was filed before the
6 Ordinance changed. Under the time of application
7 rule, we would have been protected and -- and we
8 should have been proceeding before the Planning
9 Board, and that's where we filed an application
10 for a three-family house and site plan approval.

11 I received a letter from Mr. Chewcaskie who
12 is the Planning Board Attorney, indicating that
13 the application was deemed incomplete and should
14 be before the Zoning Board. While he and I had
15 -- have our disagreement in terms of whether or
16 not we are protected or not, in order to exhaust
17 our remedies, we're before this Board seeking a
18 D-1 use variance for the three-family house.

19 I have one witness this evening, our
20 architect. My client's also here if the Board
21 has any specific questions with respect to the
22 current use, but it's not my intention to call
23 him as a witness this evening.

24 MR. PANEQUE: Okay.

25 MR. ALONSO: So with that said --

1 MR. PANEQUE: Well, Mr. Alonso --

2 MR. ALONSO: Yeah.

3 MR. PANEQUE: -- before we proceed, the
4 time of application rule, are you claiming that
5 the time of application rule applies to your
6 application before this Board, or not?

7 MR. ALONSO: Well, not before this Board,
8 because it had been before the wrong Board.

9 MR. PANEQUE: Okay.

10 MR. ALONSO: I did make the argument and I
11 did document it before the Planning Board.

12 MR. PANEQUE: Right.

13 MR. ALONSO: They did not accept the
14 argument, for whatever reason, and then they
15 referred us to this Board.

16 MR. PANEQUE: Okay.

17 MR. ALONSO: So in order to exhaust my
18 remedies, we're before this Board to get the --
19 the use --

20 MR. PANEQUE: Yes.

21 MR. ALONSO: -- variance.

22 MR. PANEQUE: But just so that we're clear,
23 the application that was filed before this Board
24 was after the Zoning Ordinance was amended to not
25 allow three-family properties in the zone any

1 more.

2 MR. ALONSO: Correct.

3 MR. PANEQUE: Okay.

4 MR. ALONSO: It was originally filed with
5 the Planning Board.

6 MR. PANEQUE: While it was still in effect.

7 MR. ALONSO: While -- well, before the new
8 Ordinance was adopted.

9 MR. PANEQUE: Okay.

10 MR. ALONSO: And then, for whatever reason,
11 --

12 MR. PANEQUE: Um-hum.

13 MR. ALONSO: -- Mr. Chewcaskie took the
14 position that we were not protected under the
15 time of application rule. Then to Mr. Vallejo's
16 office; we transferred the -- the application to
17 here.

18 MR. PANEQUE: Okay, but --

19 THE SECRETARY: The application was never
20 deemed as completed.

21 MR. PANEQUE: No, I -- I got that. I
22 understand that.

23 I just want to make it clear on the record
24 that the time of application rule is not
25 applicable on this application. We're not being

1 | guided by the old Ordinance. This Board is being
2 | guided now by the amended Ordinance which does
3 | not allow three-family properties in the zone.

4 | MR. ALONSO: Correct.

5 | MR. PANEQUE: Okay.

6 | MR. ALONSO: And I'm just stating that for
7 | the record to -- to preserve whatever rights my
8 | client may have, depending on what happens before
9 | this Board.

10 | MR. PANEQUE: Understood.

11 | All right.

12 | Thank you, Mr. Alonso.

13 | MR. ALONSO: Thank you.

14 | MR. PANEQUE: You may proceed.

15 | MS. DILLON: Sir, --

16 | MR. ALONSO: I'll have my --

17 | MS. DILLON: -- you need to stand in front
18 | of the microphone.

19 | MR. CARAMIA: Um-hum.

20 | MS. DILLON: Please raise your right hand.

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

23 | MR. CARAMIA: Yes.

24 | MS. DILLON: Please state your name and
25 | spell it for the record.

1 MR. CARAMIA: Ignatius Caramia, C-A-R-A-M-
2 I-A. I-G-N-A-T-I-U-S.

3 MS. DILLON: Thank you.

4 MR. CARAMIA: Architect --

5 MR. ALONSO: Thank you.

6 Mr. --

7 MR. CARAMIA: -- architect with ICON
8 Architects.

9 MR. ALONSO: And you're a licensed
10 architect in the State of New Jersey?

11 MR. CARAMIA: Yes, I am.

12 MR. ALONSO: Have you appeared before this
13 Board in the past?

14 MR. CARAMIA: It's been some years, but
15 yes.

16 MR. ALONSO: Okay.

17 And your license is -- is in good standing?

18 MR. CARAMIA: It is.

19 MR. ALONSO: Okay.

20 And you appear before boards such as this?

21 MR. CARAMIA: Often.

22 MR. ALONSO: Okay.

23 CHAIRPERSON GRULLON: We accept your
24 qualifications.

25 Thank you.

1 You may proceed.

2 MR. CARAMIA: Thank you.

3 MR. ALONSO: Thank you, Mr. Chairman.

4 MR. CARAMIA: So, now that you have some of
5 the -- the back story on this, I'll describe the
6 building as -- as it was designed. It is a four-
7 story building with parking on the ground floor;
8 six parking spaces.

9 The building measures -- or the lot is
10 about 25 by a hundred in feet. The building does
11 respect the setbacks that -- I guess that were in
12 effect when it was -- when it was designed, that
13 being the five foot rear yard, the two foot side
14 yard, and the three foot on the other side yard.

15 I did say it's a four-story building with
16 the parking on the ground floor; six -- six
17 parking spaces, and apartments on subsequent
18 floors, at second, third and fourth.

19 The apartments are three-bedroom units.
20 There is a set of stairs in the back with a -- a
21 little deck area for each -- outdoor deck area
22 for each of the -- of the units.

23 We are in an R-Zone. Again, I -- I'm going
24 to -- I guess I'm going to highlight what the --
25 what the bulk regulations are, but I'm being told

1 | that they are not distant any longer; they --
2 | they've been changed.

3 | But it was designed to respect all of these
4 | bulk regulations; that being the setbacks, the
5 | height of the building, the building coverage,
6 | and the lot coverage.

7 | The building has a -- a modernish façade
8 | with a cornice, an interpretation of a cornice in
9 | the front. Parking accessible in the front as
10 | well.

11 | That's about it for the description of the
12 | building.

13 | If there any questions?

14 | MR. ALONSO: Well, I -- I was going to go
15 | over the zoning with you, because as you
16 | indicated, the original application was presented
17 | with the requirements under the -- the prior
18 | zone. Now, we need a D-1 use variance because
19 | under the new zoning, it's no longer permitted.

20 | Is that correct?

21 | MR. CARAMIA: Correct.

22 | MR. ALONSO: Okay.

23 | Now, there's -- the height that's permitted
24 | in the new zone is three stories and 38 feet, and
25 | we are at 43 feet two inches, which exceeds by

1 ten percent. So, we need a D-6 height variance.

2 Is that correct?

3 MR. CARAMIA: Correct.

4 MR. ALONSO: Okay.

5 Now, there are some other bulk requirements
6 that are subsumed within the D-1 use variance.

7 But under the new Ordinance, you're required to
8 have a 2500 square foot lot, and we only have
9 2,483.

10 Is that correct?

11 MR. CARAMIA: Yeah. Correct. The lot is
12 about two inches shy in its width.

13 MR. ALONSO: Correct.

14 So, the -- the lot is 24.83 feet and 25 is
15 required.

16 MR. CARAMIA: Correct.

17 MR. ALONSO: Is that correct?

18 MR. CARAMIA: Correct.

19 MR. ALONSO: In terms of the rear yard,
20 we're -- we're required to have a 20 foot and we
21 have a five foot that's proposed?

22 MR. CARAMIA: Yes.

23 MR. ALONSO: Okay.

24 And then I think that the final one was the
25 -- the lot coverage, where 65 percent is

1 permitted, and we are at 75 percent.

2 Is that correct?

3 MR. CARAMIA: Correct.

4 MR. ALONSO: Okay.

5 So -- so, those would be non-compliant
6 conditions in the zone, but again, those are
7 subsumed within the D-1.

8 I have no further questions of the
9 architect.

10 MR. PANEQUE: Do you have a planner, Mr.
11 Alonso?

12 MR. ALONSO: I do not have a planner. We
13 were here to present the plan to the Board; get
14 some feedback.

15 MR. PANEQUE: Okay.

16 MR. ALONSO: And if required, we could come
17 back with a planner.

18 MR. PANEQUE: Well, you're asking for a D-1
19 variance, which is a use variance. And I believe
20 that planner testimony is a requirement to
21 substantiate a D-1 variance.

22 It's your call. How do you want to
23 proceed?

24 MR. ALONSO: Okay.

25 Well then, I'm going to have to request an

1 adjournment to come back with a planner.

2 MR. PANEQUE: Okay.

3 It would be an incomplete presentation.

4 MR. ALONSO: No, I -- I understand. I was
5 hoping to get some feedback from the Board.

6 MR. PANEQUE: I mean, I don't know if --

7 CHAIRPERSON GRULLON: I think I would like
8 to give my feedback, you know, before you
9 consider bringing a planner.

10 Because what I see here is that it -- it
11 doesn't meet the conditions, you know, at all.
12 It just -- it's an undersized lot. It is an
13 undersized lot. But you mentioned that the
14 height of the building is 43. He also has
15 another, you know, parapet, that brings it to 49.
16 It's like 20 percent higher than what is
17 permitted there. And --

18 MR. ALONSO: Right. The -- the parapet is
19 not considered for purposes of calculating the
20 height though.

21 CHAIRPERSON GRULLON: Is this -- on the
22 site plan looks like an additional floor with a
23 door.

24 MR. ALONSO: No, no, no. I -- I understand
25 that, but for purposes of calculating the height

1 --

2 CHAIRPERSON GRULLON: Yeah.

3 MR. ALONSO: -- you -- you don't consider
4 the parapet.

5 CHAIRPERSON GRULLON: And, you know, before
6 you come back with a planner, I would like you to
7 consider where you bringing this application down
8 and make it -- to make it conforming with the --
9 with the new Zoning Ordinance. Just, you know,
10 perhaps bringing this to a -- to a two-family.
11 We have parking -- we have parking, you know, on
12 the ground; maybe a three floor height. But that
13 will be up to you.

14 Do you want to talk to your client and --
15 and see if you wanted to revise the application,
16 and instead of requesting for three-family.
17 That's a really low density zone, and we trying
18 to -- to get the opportunity on new construction
19 to bring this back to something that fits the
20 neighborhood.

21 MR. ALONSO: Understood.

22 CHAIRPERSON GRULLON: Okay.

23 And then that's my -- you know, my opinion.
24 You want to come back with a planner, it would be
25 up to you, but I will recommend that you scale

1 down the project and bring it down to two-family
2 with parking and just gets somewhere closer to
3 the 33 feet height maybe.

4 MR. ALONSO: Okay.

5 One of the -- one of the benefits of this
6 site, is the -- the view is actually of -- of the
7 City and the Freedom Tower, which the old
8 building had because of the height that the old
9 building used to have. We were trying to
10 preserve that view, so we're hoping that if we do
11 go to a two-family, if we could try to maintain
12 the height as close as possible in order to -- to
13 be able to preserve that.

14 CHAIRPERSON GRULLON: I will say a two-
15 family with parking will preserve the height of
16 the neighborhood. But going to a four -- almost
17 five floors in that area, I know -- I've been
18 driving around that area. Everything is like two
19 families and one family around there.

20 MR. ALONSO: Okay.

21 I'm going to have to review that with my
22 client then, because the height really is the --
23 the best feature of the -- of this building for
24 the -- for the views.

25 CHAIRPERSON GRULLON: You want to consider

1 | this and carry the application and just -- you
2 | heard my opinion. I don't know if any members of
3 | the Board has -- want to state something for the
4 | record.

5 | MR. ALONSO: All right.

6 | So then I'm going to have to request that
7 | the matter be carried.

8 | CHAIRPERSON GRULLON: Do you want to --
9 | you want to adjourn this application?

10 | MR. PANEQUE: Is that request, Mr. Alonso?

11 | MR. ALONSO: Yes.

12 | MR. PANEQUE: To adjourn it?

13 | MR. ALONSO: Yes.

14 | MR. PANEQUE: Okay.

15 | CHAIRPERSON GRULLON: Okay.

16 | Then I make a motion to adjourn this
17 | application.

18 | THE SECRETARY: Okay.

19 | Next meeting will be January 13, 2022.

20 | VICE CHAIRPERSON GUTIERREZ: I second it.

21 | THE SECRETARY: Same time, same place.

22 | Motion on the table to adjourn this
23 | application by Mr. Grullon.

24 | VICE CHAIRPERSON GUTIERREZ: Second.

25 | THE SECRETARY: Seconded by Miss Gutierrez.

1 Roll call on the motion.

2 Mr. Grullon, to adjourn the application?

3 CHAIRPERSON GRULLON: Yes, to adjourn.

4 THE SECRETARY: Miss Gutierrez?

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 THE SECRETARY: Mr. Ortiz?

7 MR. ORTIZ: Yes.

8 THE SECRETARY: Miss Pena?

9 MS. PENA: Yes.

10 THE SECRETARY: Mr. Cetinich?

11 MR. CETINICH: Yes.

12 THE SECRETARY: Miss Watley?

13 MS. WATLEY: Yes.

14 THE SECRETARY: Six in favor.

15 Motion carries.

16 New notice -- no new notice required?

17 MR. PANEQUE: No new notice if he's going
18 to just come back with a planner. But let's --
19 let's talk --

20 MR. ALONSO: -- Well, it will --

21 MR. PANEQUE: -- this out.

22 MR. ALONSO: -- if we -- if we amend it to
23 a two-family, this Board would still have
24 jurisdiction because site plan approval is not
25 required.

1 MR. PANEQUE: Correct.

2 CHAIRPERSON GRULLON: Yeah.

3 MR. ALONSO: So --

4 MR. PANEQUE: So, we're giving you the
5 choice, if you want to come back with a planner
6 on this application, you can.

7 If you want to change it to a two-family,
8 just have your plans in ten days prior, and then
9 just advise Mr. Vallejo that you're coming back
10 with a two-family application, and under those
11 circumstances, no new notice would be required.

12 All right.

13 So we'll continue with the notice. If
14 anybody's here in the audience on this
15 application, this matter is being carried to
16 January 13th, 2022 with no new notices. So if
17 you're interested in this application, be back at
18 that time and date.

19 MR. ALONSO: Very good.

20 Have a good evening.

21 MR. PANEQUE: Thank you.

22 MR. ALONSO: Have a great holiday.

23 CHAIRPERSON GRULLON: Thank you.

24 Happy holidays.

25 MR. PANEQUE: Merry Christmas.

1 VICE CHAIRPERSON GRULLON: Happy New Year.

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

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1 **BB 6th Holdings, LLC -**

2 **733-35 6th Street:**

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4 (Whereupon, Board Member Geraldine Perez,
5 returned to the dais.)

6

7 MR. PANEQUE: Miss Pereiras?

8 MS. PEREIRAS: Yes.

9 THE SECRETARY: Next application on
10 tonight's agenda, BB 6th Holdings, LLC, 733-35 6th
11 Street.

12 Miss Pereiras, please?

13 MS. PEREIRAS: Good evening, members of the
14 Board.

15 May it please the Board, Bianca Pereiras,
16 on behalf of the applicant.

17 The Board may recall that I was here last
18 month on this application, at which time I
19 explained that we were in negotiations with --

20 MR. PANEQUE: Carlos?

21 MS. PEREIRAS: -- City Counsel.

22 MR. PANEQUE: I'm sorry.

23 MS. PEREIRAS: It's okay.

24 MR. PANEQUE: I know where you're going
25 with this and he's --

1 MS. PEREIRAS: I understand.

2 MR. PANEQUE: Okay.

3 MS. PEREIRAS: That we were in negotiations
4 with City Counsel. I expected to have a
5 settlement agreement signed by today.
6 Unfortunately, we've reached a little bit of
7 impasse, and that settlement agreement has not
8 been finalized. Therefore, this Board would
9 either be looking at this as a new construction
10 or a legalization of an existing building.

11 So, understanding that that's on the table,
12 I know that can be a little bit confusing. And
13 while I'd love to proceed this evening, I will
14 defer to the Board, if the Board feels more
15 comfortable having this carried until that
16 settlement agreement is in place.

17 CHAIRPERSON GRULLON: Definitely. Yes.

18 Are you looking to carry this to the next
19 Board meeting? Do you think it will be
20 sufficient time for them to --

21 MS. PEREIRAS: I'm hoping.

22 CHAIRPERSON GRULLON: Yes. Yeah, that's --
23 that's a request, to carry it to the next --

24 MS. PEREIRAS: Yes.

25 CHAIRPERSON GRULLON: -- Board meeting?

1 MS. PEREIRAS: I think it's best.

2 CHAIRPERSON GRULLON: I don't have any
3 objection with that.

4 Any member of the Board?

5 Hear none.

6 Any member of the public for this
7 application, for 733-35 6th Street?

8 Hearing none.

9 Closed to the public.

10 I will make my motion on carry this
11 application to the next Board meeting.

12 THE SECRETARY: Motion on the table to
13 carry this application for January 13, 2022; same
14 place, same location.

15 VICE CHAIRPERSON GUTIERREZ: Second.

16 THE SECRETARY: Motion by Mr. Grullon.

17 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. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Miss Pena?

1 MS. PENA: Yes.

2 THE SECRETARY: Miss Perez?

3 MS. PEREZ: Yes.

4 THE SECRETARY: Mr. Cetinich?

5 MR. CETINICH: Yes.

6 THE SECRETARY: Miss Watley?

7 MS. WATLEY: Yes.

8 THE SECRETARY: Seven -- seven in favor.

9 Motion carries.

10 Mr. Paneque, new notice required, or no?

11 MR. PANEQUE: No new notices are required.

12 THE SECRETARY: No new notice required.

13 MR. PANEQUE: Thank you.

14 THE SECRETARY: Thank you.

15

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

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1 **1210 Bergenline Avenue, LLC -**

2 **1210 Bergenline Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, 1210 Bergenline Avenue, LLC.

6 Miss Pereiras, please?

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

9 MR. PANEQUE: For the record, I've been
10 provided by Miss Pereiras with a certification as
11 to publication of service with respect to the
12 property at 1210 Bergenline Avenue, signed by
13 Miss Pereiras.

14 I've also been provided with a copy of the
15 notice that went out giving notice of tonight's
16 hearing at this location for the property in
17 question.

18 I've also been provided with the tax list
19 from the Tax Assessor's Office noting all
20 property owners within the 200 foot radius of
21 1210 Bergenline Avenue with a date of November
22 4th, as well as the affidavit of publication from
23 the newspaper indicating that notice of tonight's
24 hearing was published for the property at 1210
25 Bergenline Avenue at this location. And the

1 publication was done on November 26th of this
2 year.

3 I've also been provided with a copy of the
4 certified mail receipts with a date of November
5 29th, 2021.

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

9 MS. PEREIRAS: Thank you very much,
10 Counsel.

11 Again, Bianca Pereiras, on behalf of the
12 applicant for property at 1210 Bergenline Avenue,
13 also known as Block 61.02, Lot 21.

14 The project is in the CN Neighborhood
15 Commercial zone, and the application before the
16 Board this evening is to legalize one unit in an
17 existing multi-family. Currently, we have seven
18 residential units on site, and we are looking to
19 legalize one additional unit, for a total of
20 eight.

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

24 CHAIRPERSON GRULLON: Just one second, Miss
25 Pereiras.

1 MS. PEREIRAS: I'm sorry.

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

4 CHAIRPERSON GRULLON: Do we have a
5 commercial here?

6 MR. PANEQUE: Miss Pereira, we're looking
7 at the memo from the Building Department, and it
8 indicates that the Building Department has this
9 as six units and one commercial space.

10 MS. PEREIRAS: I have not seen that memo,
11 Counsel.

12 MR. PANEQUE: And, in fact, I'm looking at
13 the -- the tax assessment record.

14 (Whereupon, Manuel J. Pereira, previously
15 sworn, addressed the Board.)

16 MR. PEREIRAS: Just for the Board's
17 knowledge, this building has four stories, and
18 each of the stories there's an apartment on each
19 side, and it's been like that since it was
20 constructed originally. So there are definitely
21 six legal apartments above, and what's in
22 question today is the basement.

23 THE SECRETARY: Mr. -- Mr. Pereira, allow
24 me two seconds.

25 Let the record reflect that Miss Pena is

1 going to recuse on this application.

2

3 (Whereupon, Board Member Rosio Pena,
4 recused and stepped down from the dais.)

5

6 THE SECRETARY: Thank you.

7 We have only six members.

8 MR. PANEQUE: Okay.

9 MS. PEREIRAS: Yes, --

10 MR. PANEQUE: Continue.

11 MS. PEREIRAS: -- I see seven units based
12 on the property record and appraisal card.

13 MR. PANEQUE: Well, it says six residential
14 units and one commercial.

15 MS. PEREIRAS: Okay.

16 MR. PANEQUE: So, the -- the ground floor
17 was commercial. Now, Mr. Pereiras, you're
18 indicating that there's three floors above the
19 commercial --

20 MR. PEREIRAS: Correct.

21 MR. PANEQUE: -- with two units on each
22 side. That --

23 MR. PEREIRAS: With one unit on each side
24 so that there's a total of six above.

25 MR. PANEQUE: Okay.

1 But your application is going from seven to
2 eight, and that's where the --

3 MR. PEREIRAS: And the ground floor --
4 I'm sorry.

5 The ground floor is an entire apartment,
6 and then there's the basement apartment as well.
7 So, they're saying that the ground floor is a
8 commercial space?

9 CHAIRPERSON GRULLON: Is there any
10 commercial space there?

11 MR. PEREIRAS: No. And it's -- I mean,
12 this is in my backyard.

13 MS. PEREIRAS: Right.

14 MR. PEREIRAS: I don't remember ever having
15 a commercial space there. So, it's definitely an
16 error on the -- the Building Department's memo.

17 CHAIRPERSON GRULLON: Do we need -- do we
18 need to get a corrected memo?

19 MR. PANEQUE: Yeah. I'm looking at the tax
20 assessment card, and the tax assessment card does
21 show that there is one unit on the ground floor
22 which is described as 5-3-1, which -- which is a
23 description for what would -- we would consider a
24 residential unit.

25 MS. PEREIRAS: Um-hum.

1 MR. PEREIRAS: Um-hum.

2 MR. PANEQUE: But the -- it's not matching
3 with the memo from the Building Department.

4 Okay?

5 And we've been instructed that we need to
6 match the application with the memo.

7 MR. PEREIRAS: Um-hum.

8 MR. PANEQUE: Now, it does seem to be that
9 there's a error here but --

10 MR. PEREIRAS: Um-hum.

11 MR. PANEQUE: -- my suggestion is to carry
12 this matter to correct the error so that it
13 doesn't come back either to your client or to the
14 Board.

15 MR. PEREIRAS: I agree completely.

16 MS. PEREIRAS: I understand that, Counsel.
17 We have no objection to that.

18 MR. PANEQUE: Okay.

19 So, in -- in this one I think it should be
20 relatively easy to correct because the assessment
21 card speaks for itself.

22 MS. PEREIRAS: Right.

23 MR. PANEQUE: But it's not matching the
24 memo.

25 MS. PEREIRAS: Understood.

1 I will clarify that with the Building
2 Department.

3 MR. PANEQUE: Okay.

4 So, the recommendation is to carry this
5 matter to the next meeting with no further
6 notices required.

7 MS. PEREIRAS: Okay.

8 THE SECRETARY: Can I have a motion to
9 adjourn this application for the next meeting,
10 January 13th, 2022, six o'clock, same time, same
11 place?

12 CHAIRPERSON GRULLON: I make a motion.

13 THE SECRETARY: Motion by Mr. Grullon.

14 VICE CHAIRPERSON GUTIERREZ: I'll second
15 it.

16 THE SECRETARY: Seconded by Miss Gutierrez.
17 Roll call on the motion.

18 Mr. Grullon?

19 CHAIRPERSON GRULLON: Yes.

20 THE SECRETARY: Miss Gutierrez?

21 VICE CHAIRPERSON GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Miss Perez?

25 MS. PEREZ: Yes.

1 THE SECRETARY: Mr. Cetinich?

2 MR. CETINICH: Yes.

3 THE SECRETARY: Miss Watley?

4 MS. WATLEY: Yes.

5 THE SECRETARY: Six in favor.

6 Motion carries.

7 This application will be adjourned until
8 January 13th, 2022.

9 No new notice required.

10 Thank you.

11 MR. PANEQUE: Thank you.

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1 **9799 Ventures I, LLC -**

2 **1219 Bergenline Avenue:**

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4 (Whereupon, Board Member Rosio Pena,
5 returned to the dais.)

6

7 THE SECRETARY: Next application on
8 tonight's agenda, 9799 Ventures I, LLC, 1219
9 Bergenline Avenue.

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

13 I have a certification as to publication
14 and service signed by Miss Pereiras with respect
15 to the property at 1219 Bergenline Avenue.

16 I've also been provided with a copy of the
17 notice that went out giving notice of tonight's
18 hearing at this location for the property in
19 question.

20 I've also been provided with the tax list
21 from the Tax Assessor's Office noting all
22 properties within 200 feet of 1219 Bergenline
23 Avenue with a date of November 23rd, as well as an
24 affidavit of publication from The Jersey Journal,
25 with a date of publication of November 26th,

1 giving notice of tonight's hearing for the
2 property at 1219 Bergenline Avenue at this
3 location, the Union City High School.

4 I've also been provided with copies of the
5 certified mail receipts with a postmark date of
6 November 29th, 2021.

7 Based on the documentation that's been
8 provided, this Board has jurisdiction to proceed
9 and hear this matter.

10 MS. PEREIRAS: Thank you, Counsel.

11 May it please the Board, Bianca Pereiras,
12 on behalf of 9799 Ventures I, LLC in regards to
13 property at 1219 Bergenline Avenue, also known as
14 Lot 4, in Block 60.02.

15 The Board may recall, this application we
16 were actually in front of you a few years ago, at
17 which point this Board approved an application to
18 construct a new mixed use structure consisting of
19 three residential units over one floor of
20 commercial.

21 We also received an extension a few months
22 ago from this Board and therefore those approvals
23 are currently valid.

24 The reason for our extension was that the
25 prior owners that had submitted that old

1 application had hit some financial difficulties
2 and were forced to sell the property.

3 The new owner who is here today, took this
4 as an opportunity to improve this application.
5 He saw some areas of improvement; particularly,
6 he thought he could increase one of the side
7 yards, and because this is downtown Bergenline
8 where commercials are not as prevalent, we have
9 some scattered businesses.

10 He's seeking this Board to approve a mixed
11 use structure of four residential units with one
12 commercial, meaning, instead of having that
13 ground floor as a full floor of commercial,
14 allowing it to be a smaller space, it can
15 actually survive in this area, maybe as a small
16 mom and pop shop; and creating one residential
17 unit to the rear.

18 We have one expert to testify, and that's
19 our architect Mr. Manuel Pereiras.

20 MR. PEREIRAS: Manny Pereiras.

21 I recognize that I am still under oath.

22 MS. PEREIRAS: Mr. Pereiras, are you
23 familiar with the property located at 1219
24 Bergenline Avenue?

25 MR. PEREIRAS: I am.

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

3 MR. PEREIRAS: I have.

4 MS. PEREIRAS: And would you kindly
5 describe the project for the Board?

6 MR. PEREIRAS: I'd be very happy to. I was
7 proud of the project that we previously got
8 approved, and quite frankly, this is so much
9 better. We're basically -- took the same
10 application and improved it in so many ways. And
11 -- and that's thanks to an applicant who is
12 really conscientious and is looking to make a
13 great building.

14 The first change that we have from the
15 previous application is that we wanted to respect
16 a window that the neighbor had right along here,
17 and we did not want to cover it with our
18 building. So instead of having our building
19 coming up to the front, the front property line
20 where we're allowed, we actually recessed our
21 building to that point and had our stairs there
22 so that we do not cover the neighbor's window.

23 So that's the first big change.

24 The other big change is the applicants were
25 very keen on getting natural light into the

1 building. I thought that was extremely important
2 and I was very happy about that. And in so
3 doing, we recessed the building from the north
4 three foot one.

5 Previously and as is permitted in the zone,
6 we had a zero setback there. So we created a
7 three foot one setback, number one, so that we
8 could add windows.

9 And number two, so that those windows are
10 wide enough so that there's emergency access for
11 fire department or anyone to access the building.

12 So those are the two big changes from a
13 bulk request that we're making today. And I want
14 to go through the list so that we know exactly
15 what variances we're requesting.

16 We have -- we meet the minimum lot size
17 requirement of 2500 square feet. We meet the
18 minimum 25 foot width. We meet the minimum
19 hundred foot width, so those are all compliant.

20 Our front yard only has to be zero and we
21 are zero, except we have those -- that setback
22 where we have the stairs.

23 The rear yard is supposed to be 20 feet.
24 We gave up those three feet along the entire
25 building in order to make that work still and

1 have the proper square footage, to have the
2 proper apartments in there. We're requesting an
3 additional five feet. So instead of a 20 foot
4 rear yard, we're requesting a 15 foot rear yard.
5 So, we are asking for a variance on the rear yard
6 setback.

7 The side yards, I would say that we're
8 technically require a variance for that and
9 that's because our Ordinance, the way it's
10 written, is that we need a zero foot setback on
11 the side. However, if we do provide the setback,
12 it's supposed to be five feet. We're only at
13 three feet, so technically that's a variance that
14 we're requesting this Board. But keep the --
15 please keep in mind that we're not required to do
16 that. It could be at zero. We're providing
17 three feet along the side yard.

18 We comply with the number of stories.

19 We comply with the -- the height.

20 We comply with building coverage, and we
21 comply with lot coverage.

22 We're permitted to go a hundred percent of
23 lot coverage. We're actually at 91 percent
24 because we thought it was important to have a
25 rear yard and to have some grass in the back.

1 And then off-street parking, of course we
2 -- we do request a variance for that, but that's
3 because we are on Bergenline Avenue downtown.
4 There is no place for the curb cut; putting a
5 curb cut here would be a -- a disaster. We want
6 commercial space, and the Ordinance is written so
7 that we want commercial space on the ground
8 floor.

9 Now, the reason we're before this Board is
10 actually something that I recommended to the
11 client. This is my neighborhood. This is
12 literally around the corner from where I -- from
13 where I grew up. And I don't want to see empty
14 stores that are just there.

15 And it's very difficult in this current
16 time, particularly now after COVID, it's
17 extremely difficult. But in this downtown area
18 of Union City, to rent or use an enormous ground
19 floor full store. So what I recommended to the
20 applicant is look, let's give the store 680
21 square feet in the front. That makes it small
22 enough, that mom and pop could go in there, could
23 operate a good business, so that's not a missing
24 tooth on the avenue, like there's so many across
25 there.

1 And we could have a business in the front,
2 and then using that three foot one side yard that
3 we have there, provide an apartment in the back.
4 And that I think is extremely important because
5 almost everything that we're coming before this
6 Board and before the Planning Board for almost
7 the past two years, we have no ground floor
8 apartments. Everything is -- you take stairs up.
9 And one of the big problems that that's creating
10 is that there is no handicapped compliance for
11 anyone in new construction.

12 So what we're doing here is we're providing
13 a ground floor fully handicap accessible
14 apartment, so that someone in a wheelchair, or
15 someone on crutches, or simply someone that's
16 older that can't go upstairs, actually could live
17 in a good decent apartment in Union City.

18 So, their access is through that three foot
19 one side yard. You enter; you have a living
20 room, dining room, kitchen area, open, modern
21 floor plan, modest, and then two bedrooms along
22 the back. And it's a hundred percent safe. You
23 have the windows providing nice light there. You
24 have ADA accessible bathrooms so that someone
25 with a disability or having trouble could fit

1 | comfortably there. And they have access to that
2 | -- to that apartment.

3 | So, that apartment is the reason we're
4 | before this Board, because that's a D-1 use
5 | variance, because it is an apartment on the
6 | ground floor. Technically, the zoning doesn't
7 | allow apartments on the ground floor. It's so
8 | critical and so important here, and that's why
9 | we're presenting it to this Board, and we hope
10 | that you look favorably upon this.

11 | When you go to the board -- the floors
12 | above, it's very simple. We have two stairs,
13 | very safe building, circulation, vertical
14 | circulation at the two ends of the building,
15 | completely safe. There are three-bedroom
16 | apartments, and then a dining room and living
17 | room area. And we did a beautiful French sliding
18 | pocket doors between the -- the living room and
19 | the dining room area that is reflective of so
20 | many houses that we have here in our area that
21 | divide that previously, so we're kind of
22 | mimicking that as tilting our hat towards to the
23 | architectural history of the -- of the City.

24 | And that is the same layout on the floors
25 | above, so that we have three apartments above,

1 and then we have the additional apartment behind
2 the store, the store. And that's what we're
3 proposing.

4 And what we're looking to do from a
5 building design standpoint, is very simple. It's
6 a brick building. We introduced a siding just to
7 make it -- give an artistic element to it, and
8 it's a brick façade, simple front -- frontage, a
9 small canopy for the store, and then siding along
10 the back.

11 For purposes of the record, I am presenting
12 a color rendering. It's a -- it's a -- a little
13 bit of a crude rendering. And I'm going to mark
14 --

15 Sorry. Thank you, Counsel.

16 I'm going to mark the top right-hand corner
17 A-1 and today's date.

18

19 (Whereupon, a Color Rendering was received
20 and marked as Exhibit A-1.)

21

22 MR. PEREIRAS: That concludes my testimony,
23 and I am open for questions.

24 CHAIRPERSON GRULLON: Miss Pereiras --

25 MS. PEREIRAS: Yes.

1 CHAIRPERSON GRULLON: -- do you have any
2 other experts?

3 MS. PEREIRAS: No, we do not.

4 CHAIRPERSON GRULLON: Ms. Pereiras, do you
5 know that this is a D-1 variance --

6 MS. PEREIRAS: I -- I do.

7 CHAIRPERSON GRULLON: -- request?

8 Counsel, does this requires a planner?

9 MR. PANEQUE: On D-1 applications planners
10 are required by case law.

11 Okay?

12 MR. PEREIRAS: Um-hum.

13 MS. PEREIRAS: Okay.

14 If the Board would like to hear from a
15 planner, then I respectfully ask that we carry
16 this matter and I will have planning testimony at
17 the next Board meeting.

18 CHAIRPERSON GRULLON: Sure, it's a very
19 good application --

20 MS. PEREIRAS: Um-hum.

21 CHAIRPERSON GRULLON: -- I think I'd like
22 -- it's a good layout, but it's better that you
23 have all your experts just to go over all the
24 variances because some of these questions that I
25 have --

1 MS. PEREIRAS: That's --

2 CHAIRPERSON GRULLON: -- are regarding to
3 the variance.

4 MS. PEREIRAS: -- that's not a problem.

5 MR. PANEQUE: Are you requesting to carry
6 this matter?

7 MS. PEREIRAS: Yes, Counsel.

8 MR. PANEQUE: Okay, until the next meeting?

9 MS. PEREIRAS: Please.

10 MR. PANEQUE: Okay.

11 No new notice required. The matter request
12 to be carried for purposes of coming back with a
13 planner.

14 CHAIRPERSON GRULLON: Make a motion to
15 carry this application to the January 13 meeting.

16 THE SECRETARY: Motion on the table to
17 carry this application to January 13 by Mr.
18 Grullon --

19 VICE CHAIRPERSON GUTIERREZ: I'll second
20 it.

21 THE SECRETARY: -- 2022.

22 Seconded by 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. Ortiz?

4 MR. ORTIZ: Yes.

5 THE SECRETARY: Miss Pena?

6 MS. PENA: 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 Carries.

15 No new notice required.

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1 **Julio Colon -**

2 **2608 New York Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, Julio Colon, 2608 New York
6 Avenue.

7 Miss Pereiras, please?

8 MR. PANEQUE: Let the record reflect that
9 I've been provided by Miss Pereiras with a
10 certification as to publication and service,
11 which has been signed by Miss Pereiras giving
12 notice of tonight's hearing at this location with
13 respect to the property at 2608 New York Avenue.

14 I've also been provided with a copy of the
15 notice that went out giving notice of tonight's
16 hearing at this location, the Union City High
17 School, as well as a list from the Tax Assessor's
18 Office with property owners within the 200 foot
19 radius of 2608 New York Avenue. Said list was
20 done on November 23rd, 2021.

21 And an affidavit of publication from The
22 Jersey Journal, giving notice of tonight's
23 hearing at this location, the Union City High
24 School, with respect to the property at 2608 New
25 York Avenue. Said notice was published on

1 November 26th, 2021, as well as the certified mail
2 receipts with a postmark date of November 29th,
3 2021.

4 Based on the documentation that has been
5 provided by Ms. Pereiras, this Board has
6 jurisdiction to proceed and hear this matter.

7 A VOICE: Thank you.

8 MS. PEREIRAS: Thank you, Counsel.

9 A VOICE: Thank you.

10 Have a good holiday.

11 MS. PEREIRAS: Bye.

12 Again, Bianca Pereiras, on behalf of the
13 applicant Julio Colon, for property at 2608 New
14 York Avenue, also known as Lot 5 in Block 150.

15 The application before the Board this
16 evening is to legalize one unit in an existing
17 multi-family property. Currently, there are four
18 recognized legal units; with the addition of this
19 one, there will be a total of five residential
20 units.

21 We have one expert to testify, and that is
22 our architect Mr. Manuel Pereiras.

23 MR. PEREIRAS: Manny Pereiras.

24 I recognize that I am still under oath.

25 MS. PEREIRAS: Mr. Pereiras, are you

1 familiar with the property at 2608 New York
2 Avenue?

3 MR. PEREIRAS: I am.

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

6 MR. PEREIRAS: I have.

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

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

10 I actually love these buildings on New York
11 Avenue. They're beautiful brick structures.
12 I've had the pleasure of working on I think
13 almost all of them along the block.

14 And we've legalized the basements in other
15 ones, and this is I think one of the last ones
16 that we haven't done it. The basement has been
17 in use for several years. We are making some
18 significant modifications in order to make this
19 Code compliant.

20 I'm turning to page two where we see the --
21 the proposed condition. This apartment, it
22 actually doesn't look like that right now. We
23 are modifying the bathroom and the walls in order
24 to make this into a comfortable and legal
25 apartment.

1 It's 922 square feet. It has comfortable
2 height. It is -- has an emergency escape through
3 the rear. It served by the primary staircase of
4 the building that leads you down. It also has an
5 additional staircase in the front from the front
6 steps that -- that you could walk through the
7 building as well. There's a little bit of a
8 height issue right there, but the other entrances
9 are comfortable. So we actually have three means
10 of egress from this building that you could walk
11 out in addition to the emergency escape and
12 rescue window that we have on this building.

13 We are legalizing an existing condition.
14 There are four apartments above. They are not to
15 be touched. And we are doing significant work in
16 order to make this come up to Code.

17 First and foremost, this unit will have a
18 domestic line sprinkler system, so that unit is
19 going to be protected by a sprinkler system. In
20 addition to that, there's going to be a one -- a
21 two-hour fire separation in the ceilings and in
22 the common areas for this unit.

23 The alarm system for the entire building is
24 going to get upgraded to a low voltage system.
25 And there's going to be a 110 volt alarm system

1 in this unit as well. And it's going to be
2 brought up to Code. It's going to be beautified.
3 It significantly needs it. It's -- it's
4 definitely old and needs some updating. So,
5 that's going to happen.

6 And we look -- we ask that this Board act
7 favorably upon it.

8 Just to go over the existing non-
9 conformities that we have, we have a ton of
10 existing non-conformities. Again, this is an
11 existing building that we're not looking to make
12 any bigger or change in any way on the site.

13 We have an existing non-conforming lot
14 size. The lot size is 2,000 square feet, whereas
15 2,500 is required.

16 The lot is 20 foot wide just as is the
17 other buildings along that street, which is also
18 another variance.

19 We do comply with the depth of the
20 building.

21 The minimum front yard is at 9.15 feet,
22 which is compliant with the new Ordinance.

23 The rear yard is at 26 feet ten inches, so
24 that's also compliant and has a very nice rear
25 yard.

1 The side yards are preexisting non-
2 conformities. There is two feet ten inches along
3 a portion of the site, but there is a zero
4 setback along the front portion and a zero
5 setback upon the other side. Again, these are
6 preexisting non-conformities that we cannot
7 change on this building.

8 It is an existing four-story structure
9 which is not permitted.

10 It is 45 feet tall which is no longer
11 permitted in this district; however, again these
12 are preexisting conditions that we're not
13 changing.

14 And, of course, we are expanding on the
15 parking because we need an additional two parking
16 spaces; ten in total would be required, but there
17 is no opportunity on this site. Considering the
18 restraints of the site and the existing building,
19 it is definitely a hardship for our client to
20 provide parking and impossible to do so, so
21 that's a C variance that we are requesting there.

22 Beyond that, this is -- you know, five in
23 total units after the application is approved if
24 the Board deems it approved, which I think is
25 appropriate in this site.

1 That concludes my testimony.

2 CHAIRPERSON GRULLON: Thank you, Mr.
3 Pereiras.

4 Mr. Pereiras, you mentioned that you --
5 this application will be beautifying the
6 building?

7 MR. PEREIRAS: So, the building itself is
8 actually extremely beautiful. It's a beautiful
9 brick building.

10 CHAIRPERSON GRULLON: But are you proposing
11 to do anything on the exterior?

12 MR. PEREIRAS: We're not proposing to do
13 anything on the exterior. I -- I think it
14 actually is very attractive on its own. I don't
15 think anything we would do would make it any
16 better.

17 CHAIRPERSON GRULLON: No, I just had to
18 just mention that, beautify.

19 MR. PEREIRAS: We're beautifying the
20 apartment significantly inside. That -- and you
21 know, it's very old floors, very old appliances.
22 We're going to update that.

23 CHAIRPERSON GRULLON: Okay.

24 I don't have any question on this.

25 Any member of the Board?

1 Hearing none.

2 Any member of the public wants to step
3 forward on this application?

4 Hear none.

5 Considering that the -- the non-conforming
6 are all preexisting condition and there's no
7 changes on the footprint of the building, and
8 this application is going to enhance the safety
9 of the building, I make a motion to grant this
10 application, for the building to go from four
11 units to five units.

12 VICE CHAIRPERSON GUTIERREZ: Second it.

13 THE SECRETARY: Motion on the table to
14 grant this application by Mr. Grullon.

15 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. Ortiz?

22 MR. ORTIZ: Yes.

23 THE SECRETARY: Miss Pena?

24 MS. PENA: Yes.

25 THE SECRETARY: Miss Perez?

1 MS. PEREZ: Yes.

2 THE SECRETARY: Mr. Cetinich?

3 MR. CETINICH: Yes.

4 THE SECRETARY: Miss Watley?

5 MS. WATLEY: Yes.

6 THE SECRETARY: Seven in favor.

7 Motion carries.

8 MS. PEREIRAS: Thank you all very much.

9 Have a Merry Christmas.

10 I'll see you all in the new year.

11 CHAIRPERSON GRULLON: Happy holidays.

12 MR. PEREIRAS: Merry Christmas, everyone.

13 VICE CHAIRPERSON GUTIERREZ: Thank you.

14 Thank you.

15 You too.

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

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1 **ADOPTION OF RESOLUTIONS:**

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3 (1.) Manuel Henriquez Guzman. 219 46th Street.
4 Block 271. Lot 23. Legalization of basement
5 apartment. Change of use of existing two-family
6 house to three-family house. **Approved**

7

8 THE SECRETARY: All right.

9 We are going to move to Resolutions,
10 adoptions.

11 Resolution number 1.

12 Manuel Henriquez Guzman, 219 46th Street.

13 It was approved at the previous meeting
14 minutes.

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

17 CHAIRPERSON GRULLON: Make a motion.

18 THE SECRETARY: Motion --

19 VICE CHAIRPERSON GUTIERREZ: Second.

20 THE SECRETARY: -- by Mr. Grullon.

21 VICE CHAIRPERSON GUTIERREZ: Second.

22 THE SECRETARY: Seconded by 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. Ortiz?

4 MR. ORTIZ: 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 (2.) Lirios De Los Valles. 4015 New York Avenue.

4 Block 235. Lot 26. Applicant is proposing a

5 second story and rear addition to an existing

6 warehouse and converting same to a house of

7 worship. Applicant is requesting that the

8 resolution be amended to reflect that the Board

9 has no objection with construction taking place

10 in phases. This Resolution was memorialized on

11 November 1, 2018. Approved

12

13 THE SECRETARY: Resolution number 2.

14 Lirios De Los Valles, 4015 New York Avenue.

15 Can I have a motion to adopt this

16 Resolution?

17 CHAIRPERSON GRULLON: Motion.

18 THE SECRETARY: Motion by Mr. Grullon.

19 VICE CHAIRPERSON GUTIERREZ: Second.

20 THE SECRETARY: Seconded by Miss Gutierrez.

21 Roll call on the motion.

22 Mr. Grullon?

23 CHAIRPERSON GRULLON: Yes.

24 THE SECRETARY: Miss Gutierrez?

25 VICE CHAIRPERSON GUTIERREZ: Yes.

1 THE SECRETARY: Miss (sic) Ortiz -- Mr.
2 Ortiz?

3 MR. ORTIZ: 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 (3.) Lirios De Los Valles. 4015 New York Avenue.

4 Block 235. Lot 26. Applicant is proposing a

5 second story and rear addition to an existing

6 warehouse and converting same to a house of

7 worship. Applicant is requesting that the

8 resolution be amended to reflect that the Board

9 has no objection with construction taking place

10 in phases. This Resolution was memorialized on

11 November 1, 2018. The applicant is seeking

12 1-year extension. **Approved**

13

14 THE SECRETARY: We are going to adoption of

15 Resolution number 3.

16 Lirios De Los Valles, for a one-year

17 extension.

18 Can I have a motion?

19 CHAIRPERSON GRULLON: Motion.

20 THE SECRETARY: Motion by --

21 VICE CHAIRPERSON GUTIERREZ: Second.

22 THE SECRETARY: -- Mr. Grullon.

23 VICE CHAIRPERSON GUTIERREZ: Second.

24 THE SECRETARY: Seconded by Miss Gutierrez.

25 Roll call on the motion.

1 Mr. Grullon?

2 CHAIRPERSON GRULLON: Yes.

3 THE SECRETARY: Miss Gutierrez?

4 VICE CHAIRPERSON GUTIERREZ: Yes.

5 THE SECRETARY: Mr. 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: Six in favor.

14 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (4.) Isaac Rosenberg. 145 35th Street. Block
4 208. Lot 28. The applicant proposes to remove a
5 deck and shed at the rear of an existing two
6 family dwelling and construct a three story
7 addition. Approved

8

9 THE SECRETARY: Resolution number 4.

10 Isaac Rosenberg, 145 35th Street.

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

13 CHAIRPERSON GRULLON: Motion.

14 THE SECRETARY: Motion by Mr. Grullon.

15 VICE CHAIRPERSON GUTIERREZ: Second.

16 THE SECRETARY: Seconded by Miss Gutierrez.
17 Roll call on the motion.

18 Mr. Grullon?

19 CHAIRPERSON GRULLON: Yes.

20 THE SECRETARY: Miss Gutierrez?

21 VICE CHAIRPERSON GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Miss Perez?

25 MS. PEREZ: Yes.

1 THE SECRETARY: Mr. Cetinich?

2 MR. CETINICH: Yes.

3 THE SECRETARY: Miss Watley?

4 MS. WATLEY: Yes.

5 THE SECRETARY: Six in favor.

6 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (5.) Edwin Narvaez. 1311 New York Avenue. Block
4 64. Lot 5. Applicant proposes to legalize a two
5 family. The applicant proposes to legalize a two
6 (2) bedroom apartment on the second floor of an
7 existing one family dwelling; there will be a
8 total of two units in the building. **Approved**

9

10 THE SECRETARY: Resolution number 5.

11 Edwin Narvaez, 1311 New York Avenue.

12 Can I have a motion?

13 CHAIRPERSON GRULLON: Motion.

14 THE SECRETARY: Motion by Mr. Grullon.

15 VICE CHAIRPERSON GUTIERREZ: Second.

16 THE SECRETARY: Seconded by Miss Gutierrez.

17 Roll call on the motion.

18 Mr. Grullon?

19 CHAIRPERSON GRULLON: Yes.

20 THE SECRETARY: Miss Gutierrez?

21 VICE CHAIRPERSON GUTIERREZ: Yes.

22 THE SECRETARY: Mr. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Miss Perez?

25 MS. PEREZ: Yes.

1 THE SECRETARY: Mr. Cetinich?

2 MR. CETINICH: Yes.

3 THE SECRETARY: Miss Watley?

4 MS. WATLEY: Yes.

5 THE SECRETARY: Six in favor.

6 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (6.) Tianyi Ding. 1209 New York Avenue. Block
4 61.02. Lot 1.02. Applicant proposes to legalize
5 a ground floor apartment, converting the property
6 into a 3 family. Approved

7

8 THE SECRETARY: Resolution number 6.

9 Tianyi Ding, 1209 New York Avenue.

10 Can I have a motion to adopt this
11 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. 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: Six in favor.

5 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (7.) Resolution Appointing the Zoning Board of
4 Adjustment Secretary for the year 2022.

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6 THE SECRETARY: We're going to Resolution
7 number 7.

8 Resolution to appoint the Zoning Board of
9 Adjustment Secretary for the year 2022.

10 Can I have a motion?

11 CHAIRPERSON GRULLON: Motion.

12 THE SECRETARY: Motion by Mr. Grullon.

13 VICE CHAIRPERSON GUTIERREZ: Second.

14 THE SECRETARY: Seconded by Miss --

15 MR. SPATZ: They weren't happy with that.

16 THE SECRETARY: Yeah. Gutierrez. She gave
17 me a raise.

18 Roll -- 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. Ortiz?

24 MR. ORTIZ: Yes.

25 THE SECRETARY: Miss Pena?

1 MS. PENA: Yes.

2 THE SECRETARY: Miss Perez?

3 MS. PEREZ: Yes.

4 THE SECRETARY: Mr. Cetinich?

5 MR. CETINICH: Yes.

6 THE SECRETARY: Miss Watley?

7 MS. WATLEY: Yes.

8 THE SECRETARY: Seven in favor.

9 Motion carries.

10 Thank you.

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1 **ADOPTIN OF RESOLUTIONS:**

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3 (8.) Resolution to approve the Zoning Board of
4 Adjustment Schedule for the year 2022.

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6 THE SECRETARY: The last Resolution, number
7 8.

8 Resolution to approve the Zoning Board of
9 Adjustment Schedule for the year 2022.

10 Can I have a motion?

11 MR. ORTIZ: Motion.

12 CHAIRPERSON GRULLON: Motion.

13 MS. PEREZ: Motion.

14 THE SECRETARY: Motion by Mr. Ortiz.

15 VICE CHAIRPERSON GUTIERREZ: Second.

16 THE SECRETARY: Seconded by Miss Perez.

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. Ortiz?

23 MR. ORTIZ: Yes.

24 THE SECRETARY: Miss Pena?

25 MS. PENA: Yes.

1 THE SECRETARY: Miss Perez?

2 MS. PEREZ: Yes.

3 THE SECRETARY: Mr. Cetinich?

4 MR. CETINICH: Yes.

5 THE SECRETARY: What a voice.

6 Miss Watley?

7 MS. WATLEY: Yes.

8 THE SECRETARY: Seven in favor.

9 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 MR. ORTIZ: Motion.

7 THE SECRETARY: Motion by Miss Pena.

8 VICE CHAIRPERSON GUTIERREZ: Motion.
9 Second.

10 THE SECRETARY: Seconded by Mr. -- Mr.
11 Ortiz?

12 MR. ORTIZ: Yes.

13 THE SECRETARY: All in favor?

14

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

16

17 THE SECRETARY: The ayes have it.

18 Thank you.

19 Good night everyone.

20 Happy holidays.

21 Let the record show that the meeting has
22 ended.

23 Thank you.

24 (Whereupon, the proceedings were concluded
25 at 8:02 p.m.)

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,
10 December 9, 2021 and digitally recorded.

11

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Doreen A. Bolognini

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25 Monitored and proofread by: Deborah Dillon