

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

REGULAR MEETING : TRANSCRIPT OF
: :
: :
-----: PROCEEDINGS

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

Thursday, February 10, 2022
Commencing at 6:17 p.m.

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

VICTOR M. GRULLON, Chairperson
MARGARITA GUTIERREZ, Vice Chairperson
MIGUEL ORTIZ
GEORGE GARCIA
ROSIO PENA, Alternate #1
GERALDINE PEREZ, Alternate #2
RAYMOND CETINICH, Alternate #3
MINDRY WATLEY, Alternate #4

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

LIBERO MAROTTA
JOHN MEDINA

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

TOMAS PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

SUSAN BISCHOFF, CCR, RPR
449 Columbia Blvd., Wood-Ridge, NJ 07075
201-933-8220 SBischoffccr@yahoo.com

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

M.S. GOODMAN, ESQ.
Attorney for Applicant, Oz Holdings, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Tower Management
Service, LP

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

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I N D E X

1210 BERGENLINE AVENUE, LLC
1210 Bergenline Avenue

WITNESSPAGE

Manny Pereiras

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NO

EXHIBITS

MARKED

1 MR. VALLEJO: May I have your attention,
2 please?

3 Please take notice that on Thursday,
4 February 10, 2022, at 6 p.m., regular meeting
5 scheduled for the Union City Zoning Board of
6 Adjustment, to be heard in the Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

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

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

18 Can everybody kindly rise to salute the
19 flag, please?

20
21 (The Pledge of Allegiance was recited.)
22

23 **ROLL CALL:**
24

25 MR. VALLEJO: Roll call for tonight's

1 meeting. Mr. Grullon.

2 CHAIRPERSON GRULLON: Here.

3 MR. VALLEJO: Mr. Marotta is absent.

4 Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Here.

6 MR. VALLEJO: Mr. Ortiz is absent. Mr.

7 Garcia.

8 MR. GARCIA: Here.

9 MR. VALLEJO: Ms. Pena.

10 MS. PENA: Here.

11 MR. VALLEJO: Ms. Perez.

12 MS. PEREZ: Here.

13 MR. VALLEJO: Mr. Cetinich.

14 MR. CETINICH: Here.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Here.

17 MR. VALLEJO: Let the record indicate we

18 have seven present, we have a full quorum for

19 tonight's meeting.

20

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ADOPTION OF MINUTES:

Regular Meeting Held on January 13, 2022.

MR. VALLEJO: Approval of previous meeting minutes from January 13, 2022. Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Second by Ms. Gutierrez.

Roll call on the motion. Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Five in favor, motion carries.

1 **Oz Holdings, LLC -**

2 **4313-4315 Bergenline Avenue:**

3
4 MR. VALLEJO: Moving to the first item
5 in tonight's agenda is an extension, Oz Holdings,
6 LLC, 4313-4315 Bergenline Avenue. Mr. Goodman,
7 please.

8 MR. GOODMAN: Good evening. My name is
9 Michael Goodman, I'm an attorney at Goodman and
10 Associates, PC, Hackensack, New Jersey.

11 I am here to request an extension, and
12 it's a brief extension, of a permit on Lot 45 for
13 the construction of a three-family house, which
14 was approved many years ago. It was then appealed
15 by Larry Price, which is a name you may know, and
16 went up to the Hudson County Superior Court. It
17 was then appealed further by Mr. Price. The
18 zoning board had granted approval way back when, I
19 believe it was 2017, looks like February 16, 2017,
20 a subdivision and a site plan approval.

21 The subdivision deed is before your
22 Chairman and Secretary for execution today. It
23 will be filed immediately. And I should explain
24 to the board the delay in timing from the date of
25 the order that was finally signed, and was not

1 appealed, by Judge Turula in the Superior Court.

2 We hit a pandemic, all of us are aware
3 of that pandemic and, please God, we're heading
4 out from that pandemic. I think we all say
5 prayers for that. Unfortunately, it affected
6 business, it affected the ability to find the
7 purchaser for the property, and to move ahead with
8 the construction. We have found a purchaser for
9 the property, the first one failed, the second one
10 has finally approved and is prepared to move
11 forward quickly. However, the extension date of
12 the permit with respect to getting into the ground
13 is March 20th. And I have been requested to ask
14 this board for an extension, not a substantial
15 extension, several months, to get the plans in
16 order, to hire the right contractor -- and this is
17 by the purchaser, not by my client. And we're
18 here before this board to request that brief
19 extension.

20 I do not believe that the extension will
21 be necessary more than a period of three or
22 four months from its terminal date. And I'm
23 asking this board to consider the suffering in
24 the years of -- forget the cost, just the
25 suffering in going through an appeal, then back up

1 to the appellate division, arguments, back down to
2 Judge Turula to issue the order. It was hard,
3 that plus the pandemic.

4 MR. VALLEJO: Mr. Goodman, I'm sorry to
5 interrupt you. Let the record indicate that Mr.
6 Ortiz joined the meeting at 6:22.

7 MR. GOODMAN: And I guess that's
8 basically it, okay. The timing could not have
9 been worse, but thank God, it looks like things
10 are getting better, construction is moving ahead.
11 The purchaser is very anxious to move quickly.
12 And I am simply asking this board to grant a brief
13 form of extension beyond the March 20th date, so
14 that way you get through the spring, you get the
15 plans done, and work can begin immediately.

16 If there are any questions that I can
17 answer, I'm here to answer on behalf of my client.
18 But that is our presentation and that is the
19 request being made of this board.

20 CHAIRPERSON GRULLON: Thank you, Mr.
21 Goodman. Mr. Goodman, if I may ask, you are
22 requesting for a subdivision of the site plan?
23 Are there two requests? Are you requesting to
24 subdivide --

25 MR. GOODMAN: I want to apologize, part

1 of it is I have a hearing issue and I've been
2 trying to put in the right battery, if you could
3 give me just a moment? Hate to tell you, that's
4 age.

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

8
9 MR. GOODMAN: Yes, sir.

10 CHAIRPERSON GRULLON: What I'm looking
11 here is we had two items, we have the subdivision
12 and the site plan.

13 MR. GOODMAN: That is correct.

14 CHAIRPERSON GRULLON: Okay. With the
15 subdivision, you don't need approval?

16 MR. GOODMAN: I do not, I do not. That
17 is why the subdivision deed is before the Chairman
18 and the Secretary for execution this evening.

19 CHAIRPERSON GRULLON: And this board is
20 okay with that. For the extension, this is a five
21 year old application.

22 MR. GOODMAN: It is.

23 CHAIRPERSON GRULLON: I understand
24 everything that went through, but since recently
25 the City adopted a new ordinance to have only

1 two-family houses.

2 MR. GOODMAN: I am aware of that and I
3 have discussed that with the purchaser. The
4 purchaser is very anxious to build a three-family
5 house. And I should explain to you that on
6 Lincoln Street, which is why we got the original
7 resolution, every single piece of property on that
8 side of Lincoln Street and most of the properties,
9 with the exception of one or two commercial
10 properties, all are three-family houses. That was
11 in fact why this board was gracious enough to
12 grant us that approval. And that's why the
13 appellate division moved and acted and Judge
14 Turula acted in our favor.

15 So, yes, it's long and I do understand
16 that. But I do wish to state that in fact this
17 three-family has all been approved, there were
18 certain changes that were made at the specific
19 request of the board when -- and I was before the
20 board, okay, so I'm testifying myself that that
21 is, in fact, what occurred. And the board
22 expressly approved the three-family house, but it
23 was for that reason, okay. It didn't work -- you
24 know, it's right on the corner with Bergenline
25 Avenue, okay. But every single property going

1 down the block is all three-family. We are not
2 asking for a long extension.

3 CHAIRPERSON GRULLON: I am very familiar
4 with the neighborhood and I know there are a lot
5 of three-family houses there. But now we have a
6 new ordinance and any construction, any new
7 construction, any extension for something that is
8 not built, this board is not inclined to grant any
9 of these applications.

10 For that, I would just make a motion to
11 deny the extension. And I will suggest that you
12 go to your client to try to come back with a
13 revised plan for a two-family house that fits in
14 the neighborhood.

15 MR. GOODMAN: I must state that I
16 believe that that would be wrong on the part of
17 the board. I am aware of what you are saying. I
18 do not know the exact date that was changed. I do
19 not -- I do know that this board did approve it,
20 that I am not asking for an extension more than a
21 period of three or four months, okay. This is not
22 a long extension by any means, okay. It's simply
23 to get the permits and to move ahead.

24 Can that be done before March 20th?
25 Probably, okay. Would it be a courtesy on the

1 part of this board to grant the new buyer the
2 right to purchase and my client to at least
3 benefit from the years of suffering that he went
4 through and costs -- the pandemic obviously is not
5 his fault, okay. That is why I believe that we
6 are not asking for a long extension, we've asked
7 for a short extension, okay. And I'm speaking
8 also on behalf of the purchaser, okay. There
9 should be no reason to change, okay, that approval
10 and not to grant a brief extension.

11 I understand the new ordinance, but this
12 is not -- this should not affect this plan. And I
13 am asking this board, okay, to grant that brief
14 extension, whether it be three months or four
15 months, so this can be built properly and done
16 properly.

17 THE JUDGE: We're here to protect the
18 residents and we're here to protect the residents
19 and the neighborhood. And you have to consider
20 that five years ago, when we approved the
21 application, I was part of this board. And the
22 condition that we have in the area now, with
23 parking and overcrowded area is not the same as
24 five years ago when we approved.

25 And for that same reason, the City went

1 over and revisited the City ordinance and changed
2 the ordinance to allow only two-family houses, if
3 they're going to be newly constructed, in the
4 area.

5 MR. GOODMAN: I understand what you're
6 saying. Let's look at the facts, the factual
7 situation. We're talking about one, right, one
8 additional house, okay, on the block. One
9 additional unit, excuse me, on the block, not
10 house. That's it. One, okay, on a 25-by-100 lot,
11 I believe, okay, one out of 30, 40, 50, or more
12 three-family -- you know, houses on that block
13 that have lived peacefully.

14 I respectfully ask, I respectfully ask
15 you to consider and ask this board to please
16 consider that we are talking about one unit. We
17 are talking about hurting an applicant who has
18 lost thousands of dollars through these crazy
19 appeals and the pandemic, okay. And we're talking
20 about one unit.

21 It isn't fair to my client. And I say
22 this, gentlemen and ladies, I say this very
23 respectfully. I was the attorney for my board in
24 Bergen County for many, many years. I know how
25 difficult this is, but if you are talking about

1 one additional family, it isn't going to overcrowd
2 the neighborhood anymore than it's been. It isn't
3 going to change things more than it's been.

4 And I am not asking you to grant a
5 year's extension, two years' extension, or
6 whatever, that would be improper. This is a brief
7 extension to benefit the applicant, okay. Who is
8 a land owner in this area, in Union City. He's
9 owned those premises for many, many years. And
10 thank God on Bergenline Avenue, the stores are
11 thriving and doing well, okay.

12 Okay. I'm not sure what more I can say,
13 other than to say that this is minimal, it's not
14 something that affects the zone plan, it's not
15 affect -- it's not -- it's minor in its terms. So
16 I respectfully disagree.

17 I know you need to uphold the board, but
18 the word zoning board really means that, okay.
19 I'm not really asking to you do anything now in
20 granting that variance in the face of a new
21 two-family zone. I'm going back to where it was
22 three-family and granted, okay. I believe it is
23 unfair to my client, unfair to the purchaser,
24 okay, for this board to deny a brief extension,
25 whether that's two months, three months, anything

1 that would be helpful to enable this to be built
2 rather than just putting a shovel in the ground
3 and saying, okay, we've done that. That's not
4 really what a zoning board should be doing in my
5 opinion.

6 CHAIRPERSON GRULLON: Mr. Goodman,
7 respectfully, we're seeing this as an opportunity
8 for your client to comply and come up with an
9 application that fits the current ordinance of the
10 City, that are two-family houses in that area.
11 And as you said, your client may be an investor
12 for the City -- in the City of Union City, but
13 we're not looking for that. We're looking to
14 protect the neighborhood and protect the residents
15 of Union City. The houses that are there now,
16 three-family houses, they've been there for quite
17 a long time, there's nothing we can do about
18 those. But if we allow one three-family to be
19 built now, tomorrow there's going to be another
20 application asking for another three-family and
21 another three-family. And then what will be the
22 point of us having ordinance in the City?

23 It's a good opportunity for you to go
24 back to your client and tell him that the
25 application may be granted as a two-family house,

1 not as a three-family. And with that --

2 MR. GOODMAN: With the exception --

3 THE JUDGE: -- again, I make the motion
4 to deny --

5 MR. GOODMAN: With the exception of the
6 fact that that's why you're here as a zoning
7 board. This is minimal, number one.

8 CHAIRPERSON GRULLON: It's not minimal,
9 its 33 percent, 33 percent increase.

10 MR. GOODMAN: I'm sorry, we're talking
11 about 30, 40 units there on this block, maybe
12 more, okay. And I haven't counted them and this
13 is one unit.

14 CHAIRPERSON GRULLON: We're talking
15 about the particular application. Your
16 application is for three units when two units is
17 permitted. That's a 33 percent increase.

18 MR. GOODMAN: And in addition, I should
19 state to you and your attorney will advise you if
20 I'm misstating the law. This granting of this one
21 extra unit, okay, is not precedential, okay. And
22 if a new application came before you, you would
23 need to consider that as a zoning board in any
24 respect, in any manner. And you would listen to
25 your counsel advising you, as I advised members of

1 the zoning board that I represented. But that's
2 not what's going on here. What's going on here is
3 a last gasp request. I don't want to lose this
4 deal, I don't want to lose this transaction for a
5 client. And I am telling you this is de minimus.
6 There is no reason whatsoever, in my opinion,
7 okay, for you to deny this.

8 Yes, I'm an attorney for the applicant,
9 but there -- you're incorrect in stating that if
10 the same application came before you today for a
11 three-family house and you determined that it is
12 against the zone plan and should not be granted,
13 this granting -- this granting of an extension,
14 it's not granting a three-family house. This
15 granting of a brief extension is certainly not
16 precedential at all.

17 CHAIRPERSON GRULLON: That's your point
18 of view. My point view is if I grant the
19 extension, I'm allowing to construct a
20 three-family house when it's something that's not
21 permitted by the new ordinance. And, again, I
22 make a motion to deny the extension.

23 MR. VALLEJO: Before we vote on the
24 motion, Mr. Paneque, please?

25 MR. PANEQUE: Thank you. There were, at

1 the time of application was originally approved,
2 different members of the board that have been
3 substituted in and out. As such, we've had a
4 certification signed by each of the members that
5 were not there, that they have read the minutes of
6 the meeting on January 12, 2017, as well as the
7 February 16, 2017, board meetings where this
8 application was approved.

9 This certification has been signed by
10 board member Rosio Pena, board member Mindry
11 Watley, board member Geraldine Perez, board member
12 George Garcia and board member Raymond Cetinich,
13 who are all here tonight. Having signed that
14 certification, they are allowed to vote on
15 tonight's motion.

16 MR. VALLEJO: We have a motion to deny
17 the application by Mr. Grullon.

18 VICE CHAIRPERSON GUTIERREZ: I'll
19 second.

20 MR. VALLEJO: Second by Ms. Gutierrez.

21 Roll call on the motion to deny the
22 extension. Roll call. Mr Grullon.

23 CHAIRPERSON GRULLON: Yes to deny.

24 MR. VALLEJO: Ms. Gutierrez.

25 VICE CHAIRPERSON GUTIERREZ: Yes to

1 deny.

2 MR. VALLEJO: Mr. Garcia.

3 MR. GARCIA: Yes.

4 MR. VALLEJO: Mr. Ortiz.

5 MR. ORTIZ: Yes to deny.

6 MR. VALLEJO: Ms. Pena.

7 MS. PENA: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Mr. Cetinich.

11 MR. CETINICH: Yes.

12 MR. VALLEJO: Seven in favor, motion
13 carries. We are going on --

14 MR. PANEQUE: Before we proceed, Mr.
15 Goodman, if I may? We have your original
16 subdivision deed, I don't want you having to wait
17 for the whole meeting.

18 MR. VALLEJO: We'll take a two minute
19 break, off the record.

20 MR. PANEQUE: Off the record, yes.

21

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

24

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1 **SSA Development II, LLC -**
2 **202 Bergenline Avenue:**

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4 MR. VALLEJO: We're going to move to
5 Item 2, SSA Development II, LLC, 202 Bergenline
6 Avenue. We received the revised plans on
7 February 2nd, that was too late, at least have to
8 be 10 days before the hearing date. And that's
9 why, Mr. Paneque, please.

10 MR. PANEQUE: Based on the fact that the
11 plans were not received within the ten day window
12 allowed by statute, this application cannot
13 proceed and be heard today. Has Mr. Alonso been
14 notified of this, Carlos?

15 MR. VALLEJO: Yes, we sent it, also the
16 agenda with the information.

17 MR. PANEQUE: The matter will be carried
18 to the March 10th meeting.

19 MR. VALLEJO: Can I have a motion,
20 please.

21 VICE CHAIRPERSON GUTIERREZ: I'll make a
22 motion.

23 MR. VALLEJO: Motion by Ms. Gutierrez.

24 CHAIRPERSON GRULLON: Second.

25 MR. VALLEJO: Seconded by Mr. Grullon to

1 carry this matter to March 10, 2022. Roll call on
2 the motion. Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Mr. Garcia.

7 MR. GARCIA: Yes.

8 MR. VALLEJO: Mr. Ortiz.

9 MR. ORTIZ: Yes.

10 MR. VALLEJO: Ms. Pena.

11 MS. PENA: Yes.

12 MR. VALLEJO: Mr. Cetinich.

13 MR. CETINICH: Yes.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Yes.

16 MR. VALLEJO: Seven in favor, motion
17 carries.

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Tower Management Service, LP -
500 Central Avenue:

MR. VALLEJO: We're moving to Item Number 3, Tower Management Service, LP, 500 Central Avenue. Ms. Pereiras, please.

MS. PEREIRAS: Thank you, Mr. Vallejo. Good evening, counsel, chairman, members of the board, may it please the board, Bianca Pereiras on behalf of the applicant. This is for property located at 500 Central Avenue, also known as Block 22, Lot 1.01.

This application came before the board back in January of 2020, at which time the board proved the application. The resolution memorializing that decision was in issued in February of 2020. This is in particular to the parking lot that is next to the Lenox building that we all know on Fifth and Central Avenue.

The application allowed the applicant to maximize the space to allow for an additional 17 parking spots. This is a great application because we all know how difficult parking is in town, and we'd love to get as much parking as we can. Unfortunately, this was issued a few months

1 before the pandemic hit us and my client was
2 unable to secure the crew and unable to secure
3 permits in a timely fashion.

4 As such, we respectfully come before the
5 board today, the client is ready to move forward,
6 submit for permits, and get working on this
7 application as soon as possible, if the board is
8 so kind to give us the extension.

9 CHAIRPERSON GRULLON: And, Ms. Pereiras,
10 the request is to increase the parking count of
11 the area?

12 MS. PEREIRAS: Yes. The application
13 will allow us to restripe the parking lot and
14 provide 17 additional spots.

15 CHAIRPERSON GRULLON: And that's
16 something that's going to be beneficial for the
17 residents?

18 MS. PEREIRAS: Absolutely.

19 CHAIRPERSON GRULLON: And that's
20 something that, even though it's an extension,
21 it's not going to be any detriment for the area?

22 MS. PEREIRAS: Not at all.

23 CHAIRPERSON GRULLON: With that, I make
24 a motion to grant the extension -- I'm sorry, are
25 we looking to put a specific amount of time?

1 MS. PEREIRAS: If we could have one
2 year, my client is very eager, I believe we can
3 submit for permits in the spring, but one year
4 should suffice.

5 CHAIRPERSON GRULLON: Okay. I make a
6 motion to grant a one year extension.

7 MR. VALLEJO: Motion to grant extension
8 by Mr. Grullon.

9 VICE CHAIRPERSON GUTIERREZ: I'll second
10 it.

11 MR. VALLEJO: Seconded by Ms. Gutierrez.
12 Roll call on the motion. Mr. Grullon.

13 CHAIRPERSON GRULLON: Yes.

14 MR. VALLEJO: Ms. Gutierrez.

15 VICE CHAIRPERSON GUTIERREZ: Yes.

16 MR. VALLEJO: Mr. Garcia.

17 MR. GARCIA: Yes.

18 MR. VALLEJO: Ms. Pena.

19 MS. PENA: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Mr. Cetinich.

25 MR. CETINICH: Yes.

1 MR. VALLEJO: Seven in favor, motion
2 carries.

3 MS. PEREIRAS: Thank you all very much.

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1 **1210 Bergenline Avenue, LLC -**

2 **1210 Bergenline Avenue:**

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4 MR. VALLEJO: We're moving on to a
5 continuation of 1210 Bergenline Avenue, LLC. Ms.
6 Pereiras.

7 MS. PENA: I need to recuse myself.

8 MR. VALLEJO: Ms. Rosio Pena is recusing
9 from this application, thank you.

10 MR. PANEQUE: Let the record reflect the
11 following:

12 I've been provided by Ms. Pereiras with
13 a certification as to publication and service,
14 indicating that notice of tonight's hearing was
15 with respect to 1210 Bergenline Avenue was given
16 to all property owners within the 200-foot radius,
17 as well as sent for publication in the local
18 newspaper.

19 I've also been provided with a copy of
20 the notice that was sent to all property owners.
21 Said notice indicates that on tonight's date,
22 February 10th, at 6 p.m., a hearing will be heard
23 here at this location at the Union City High
24 School with respect to the property of 1210
25 Bergenline Avenue, where the applicant seeks

1 certain variances.

2 I've also been provided with an
3 affidavit from The Jersey Journal indicating that
4 the notice was published in The Jersey Journal on
5 January 23, 2022. Said notice indicates that the
6 hearing will take place tonight, February 10th, at
7 this location, with respect to the property at
8 1210 Bergenline Avenue.

9 I've also been provided with the
10 certified mail receipts with a postmark stamp date
11 of January 31, 2022.

12 And I've been provided finally with a
13 copy of the list of all property owners within the
14 200-foot radius of Block 61.02, Lot 21, also known
15 as 1210 Bergenline Avenue. Said list was
16 promulgated by the tax assessor's office on
17 January 26, 2022.

18 Based on the documentation that has been
19 provided by Ms. Pereiras, this board has
20 jurisdiction and could proceed to hear the matter.

21 MS. PEREIRAS: Thank you, Counsel.
22 Again, Bianca Pereiras on behalf of the applicant,
23 1210 Bergenline Avenue, LLC, for property at 1210
24 Bergenline Avenue, also known as Block 61.02, Lot
25 21. The application is in a CN commercial

1 neighborhood. This is an existing multifamily
2 building. It came to my client's attention that
3 two of the units that were existing in the
4 structure were not recognized by the Union City
5 Building Department. As such, we are here before
6 the board this evening to legalize those two units
7 for a total of eight units on-site.

8 We have one expert to testify before the
9 board this evening and that is our architect, Mr.
10 Manny Pereiras.

11
12 M A N N Y P E R E I R A S, after having been
13 duly sworn or affirmed, did testify as follows:

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15 MR. PEREIRAS: Manny Pereiras,
16 P-E-R-E-I-R-A-S, with Pereiras Architects
17 Ubiquitous, 1116 Summit Avenue, Union City.

18 MS. PEREIRAS: And Mr. Pereiras has been
19 recognized by this board --

20 CHAIRPERSON GRULLON: We accept your
21 qualifications.

22 MR. PEREIRAS: Thank you.

23 MS. PEREIRAS: Thank you, Mr. Chairman.

24 Mr. Pereiras, are you familiar with the
25 property at 1210 Bergenline Avenue?

1 MR. PEREIRAS: I am.

2 MS. PEREIRAS: Did you prepare the
3 drawings that are before the board this evening?

4 MR. PEREIRAS: They were prepared under
5 my direct supervision.

6 MS. PEREIRAS: Can you please describe
7 the project for board?

8 MR. PEREIRAS: I'd be very happy to.
9 Our project is on the northeast corner of
10 Bergenline and Tournade Lane, Tournade Lane is a
11 small alley that connects between Bergenline
12 Avenue and New York Avenue, right between 12th
13 Street and 13th Street. This is actually the
14 neighborhood where I grew up in.

15 The property in question is a masonry
16 building, all brick, very nicely constructed
17 actually, that's four stories tall. On each of
18 the three stories above, there's two apartments on
19 each side, that's not in question. What's in
20 question is the ground floor, which for some
21 reason the Union City Building Department has that
22 as commercial, it's residential as far as I could
23 remember. But that's recognized only as
24 commercial right now, so we're looking to legalize
25 that unit and we're looking to legalize the unit

1 in the basement. There are several modifications
2 that we're doing to the unit in the basement. And
3 I'd like to direct you to it, these drawings that
4 I'm using here are the same drawings that were
5 submitted before the board. On sheet 02, you see
6 the existing condition of the basement and the
7 proposed conditions of the basement.

8 We are actually demolishing the entire
9 floor and modifying it to make it into a safe,
10 beautiful apartment. We're changing it from being
11 a two-bedroom apartment to a one-bedroom, but
12 we're moving that one bedroom all the way to the
13 corner where we could create a large window well,
14 so the habitants can escape in case of emergency.

15 We're also providing handicapped
16 accessibility to this unit, so that someone with a
17 disability are able to use all the facilities in
18 this unit, including kitchen and bathroom. So the
19 bathroom is enlarged significantly.

20 And we're doing a significant amount of
21 work in order to make this into a safe unit, such
22 as a fire separation in the ceiling, a domestic
23 line sprinkler system in the unit, and upgrading
24 the fire alarm system, not just in this unit, but
25 in the entire building.

1 In the space on the ground floor, this
2 is a preexisting unit for many years. There has
3 been a family living here and we do not want to
4 displace this family and we're looking to keep
5 this unit and legalize it as is. Currently, there
6 are three bedrooms plus a den in this unit and
7 we're looking to do the same configuration and
8 simply make sure it meets all code requirements.

9 So very similar to the basement, we're
10 going to be making sure that the tenant
11 separations between the stairwell and the unit are
12 upgraded to a two-hour level, meaning they're
13 laying extra sheetrock. There will also be a
14 domestic sprinkler system in this unit as well.
15 We're going to try to do that with as little
16 interference with the inhabitants of the unit as
17 possible, so that we don't have to displace the
18 tenants. And there will be a fire separation in
19 the ceiling and the fire alarm system will be
20 upgraded as well.

21 Just as a matter of housekeeping, I'd
22 like to go over all the variances that we'll be
23 requesting. First and foremost, we have an
24 irregular lot. You can see that we have a strange
25 L-shape in our lot, that's because the garage in

1 the rear is part of this unit and this L-shape.
2 We have an undersized lot, our lot is 2,154 square
3 feet, that's an existing nonconformity.

4 However, because of this shape, we're
5 able to put three cars on this lot; one inside the
6 garage, one in front of it in tandem, and one more
7 spot here. You may ask why don't we put a spot in
8 between that's because that spot is access to a
9 garage that's here at the neighboring property.
10 So we can fit three parking spaces in our rear
11 yard.

12 One of the good important things about
13 this application, the planning board has recently
14 approved housing further up on Tournade Lane.
15 This -- having our entry along the rear for the
16 basement apartment activates that and actually
17 creates a continuity with the residences above
18 that are going to be created towards Bergenline
19 Avenue, which that activity helps with the area
20 making sure that it's safe, cars and people are
21 coming in and out of this place, so it doesn't
22 become an alley where notorious things could
23 happen or nefarious things.

24 The lot width is compliant at 25 feet.
25 Our depth is not compliant. This lot is only

1 77 feet in depth, so that's a preexisting
2 nonconformity. We also have a nonconformity for
3 parking. We're, in theory, expanding our parking.
4 Since we have two more units, we're actually
5 required three more additional spaces whereas we
6 can't create anymore spacing on this lot. But
7 keep in mind that we have the luck that we have
8 three spaces here, which is actually a lot more
9 than anything in this neighborhood does provide.
10 And we're requesting a variance for that expansion
11 of that nonconformance as well.

12 That concludes my testimony. I'm open
13 for questions.

14 CHAIRPERSON GRULLON: Mr. Pereiras, you
15 mentioned three parking spaces, I only see two
16 cars.

17 MR. PEREIRAS: This block here is a
18 garage, so there's a car inside that.

19 CHAIRPERSON GRULLON: Okay, okay. And
20 the proposed application is to do construction in
21 the basement and the ground floor?

22 MR. PEREIRAS: Correct.

23 CHAIRPERSON GRULLON: By doing the
24 construction, you will bring the building up to
25 code, fire code?

1 MR. PEREIRAS: It's a wonderful
2 opportunity to bring a building up to fire code.
3 It really protects, not just the inhabitants of
4 this building, but all the other buildings that
5 are next to it on the block. This is a zero lot
6 line neighborhood, so by doing the upgrades that
7 would take place with this application, we're
8 really securing the buildings on that entire
9 block.

10 CHAIRPERSON GRULLON: When you first
11 present this application, you had it as a
12 seven-unit and requesting to legalize one unit.
13 You got that clarification from the building
14 department?

15 MR. PEREIRAS: We got the clarification
16 from the building department. We always came
17 before this board assuming that we had to legalize
18 the basement apartment. Unfortunately, we
19 discovered that the building department does not
20 recognize the first floor either, they had that as
21 commercial. Therefore, we revised our application
22 we re-did our drawings, we submitted it to the
23 board well before ten days prior, in order so that
24 we could have the two apartments legalized and
25 recognized and brought up to code.

1 CHAIRPERSON GRULLON: Mr. Spatz, could
2 you give us some clarification, would that affect
3 the memorandum that you sent from seven to eight
4 from six to eight or seven to eight?

5 MR. SPATZ: It would not change
6 anything. We had done the review when it was
7 proposed as seven units, having the ground floor
8 as legal. When they found out that that needed to
9 be updated as well, it doesn't change any of the
10 variances, so we didn't issue a new report, just
11 simply the clarifying of the number of units. But
12 everything else, the variances, all remain exactly
13 the same.

14 CHAIRPERSON GRULLON: Okay. Another
15 question, Mr. Pereiras. I think I'm not sure in
16 the picture, does that building have fire escape?
17 I mean it's a four floor building.

18 MR. PEREIRAS: It has to have fire
19 escapes, I can't recall right now. I don't
20 remember seeing them, but it would have to have
21 fire escapes. The state would make sure of that.

22 MR. PANEQUE: Mr. Pereiras, I call your
23 attention to Z03.

24 MR. PEREIRAS: Thank you.

25 MR. PANEQUE: On the top, you have some

1 photographs. Is that the rear of the building in
2 question?

3 MR. PEREIRAS: Yes, it is. And thank
4 you for pointing that out. As you can see, there
5 is a fire escape in the rear of the building.
6 Thank you.

7 CHAIRPERSON GRULLON: Okay. I don't
8 have any other questions. Any members of the
9 board have any questions? Nothing from the board,
10 that concludes your testimony?

11 MS. PEREIRAS: That would.

12 CHAIRPERSON GRULLON: At this point, I
13 want to open to the public, any member of the
14 public want to step forward? Hearing none, close
15 to the public.

16 Taking into consideration the applicant
17 is proposing to enhance the building by adding
18 additional security features, like the fire rated
19 walls and sprinkle the ground floor and basement,
20 I make a motion to grant this application.

21 MR. VALLEJO: Motion on the table to
22 grant the application by Mr. Grullon. Any second
23 on the motion?

24 VICE CHAIRPERSON GUTIERREZ: I'll second
25 it.

1 MR. VALLEJO: Second by Ms. Gutierrez.

2 Roll call on the motion. Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Mr. Garcia.

7 MR. GARCIA: Yes.

8 MR. VALLEJO: Mr. Ortiz.

9 MR. ORTIZ: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

12 MR. VALLEJO: Mr. Cetinich.

13 MR. CETINICH: Yes.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Yes.

16 MR. VALLEJO: Seven in favor, motion
17 carries.

18 MS. PEREIRAS: Thank you all very much.

19 MR. PEREIRAS: Thank you.

20 MS. PEREIRAS: See you next month.

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1 **ADOPTION OF RESOLUTIONS:**

2 (1.) 9799 Ventures I, LLC. 1219
3 Bergenline Avenue. Block 60.02. Lot 21.
4 Applicant proposes a new mixed use building (4
5 residential and commercial). **Approved**

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7 MR. VALLEJO: We're moving to
8 resolutions now. Resolution 9799 Ventures I, LLC,
9 1219 Bergenline Avenue. Can I have a motion to
10 adopt this resolution?

11 CHAIRPERSON GRULLON: Motion.

12 VICE CHAIRPERSON GUTIERREZ: Second.

13 MR. VALLEJO: Motion by Mr. Grullon,
14 second by Ms. Gutierrez. Roll call on the motion.
15 Mr. Grullon.

16 CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 MR. VALLEJO: Mr. Garcia.

20 MR. GARCIA: Yes.

21 MR. VALLEJO: Let record indicate that
22 Ms. Pena joined the meeting. We have the roll
23 call on the motion to memorialize this resolution,
24 9799 Ventures 1, LLC, 1219 Bergenline Avenue,
25 motion by Mr. Grullon, seconded by Ms. Gutierrez.

1 Mr. Grullon.

2 CHAIRPERSON GRULLON: Yes.

3 MR. VALLEJO: Ms. Gutierrez.

4 VICE CHAIRPERSON GUTIERREZ: Yes.

5 MR. VALLEJO: Mr. Garcia.

6 MR. GARCIA: Yes.

7 MR. VALLEJO: Mr. Ortiz.

8 MR. ORTIZ: Yes.

9 MR. VALLEJO: Ms. Pena.

10 MS. PENA: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

13 MR. VALLEJO: Six in favor, motion

14 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 (2.) 613 39th Street, LLC. 611 39th
3 Street. Block 261. Lot 58, 64. Applicant is
4 requesting a one year extension. The resolution
5 was memorialized on March 12, 2020. **Denied**

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7 MR. VALLEJO: Resolution Number 2, 613
8 39th Street, LLC, that's 611 39th Street. Can I
9 have a motion to memorialize this resolution?

10 CHAIRPERSON GRULLON: Yes, motion.

11 MR. VALLEJO: Motion by Mr. Grullon.

12 VICE CHAIRPERSON GUTIERREZ: Second to
13 deny.

14 MR. VALLEJO: To adopt the resolution?

15 VICE CHAIRPERSON GUTIERREZ: I'm sorry,
16 yes.

17 MR. VALLEJO: Any second.

18 VICE CHAIRPERSON GUTIERREZ: Second.

19 MR. VALLEJO: Second by Mr. Ortiz. He
20 raised a hand. Roll call on the motion. Mr.
21 Grullon.

22 CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 VICE CHAIRPERSON GUTIERREZ: Yes.

25 MR. VALLEJO: Mr. Garcia.

1 MR. GARCIA: Yes.

2 MR. VALLEJO: Mr. Ortiz.

3 MR. ORTIZ: Yes.

4 MR. VALLEJO: Ms. Pena.

5 MS. PENA: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

8 MR. VALLEJO: Six in favor, motion
9 carries.

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ADJOURNMENT:

MR. VALLEJO: There being no other applications tonight, can I have a motion to close tonight's meeting. Motion by?

MR. GARCIA: Mr. Garcia.

MR. VALLEJO: Mr. Garcia.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez. All in favor?

(All Board Members indicate in the affirmative.)

MR. VALLEJO: The ayes have it. Thank you. Let the record show the meeting has ended, thank you, motion carries. Good night, everyone.

(Whereupon the meeting was adjourned at 7:02 p.m.)

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700