

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, MARCH 10, 2022
Commencing at 6:13 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,
ROSIO PENA, Alternate #1
GERALDINE PEREZ, Alternate #2
MINDRY WATLEY, Alternate #4

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

MIGUEL ORTIZ
RAYMOND CETINICH
GEORGE GARCIA
LIBERO MAROTTA

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

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Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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

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

3 Please take notice that on Thursday,
4 March 10, 2022, at 6 p.m., a regular meeting is
5 scheduled for the City of Union City Zoning Board
6 of Adjustment, to be held in 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 known, was forwarded to The Jersey Journal, The
14 Record, and The Hudson Reporter, has been posted
15 on the bulletin board in City Hall, and has been
16 made available to the public in the Office of the
17 Municipal Clerk.

18 Before we do roll call for tonight's
19 meeting, can everybody kindly rise to salute the
20 flag, please?

21

22 (Whereupon the Pledge of Allegiance was
23 recited.)

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

MR. VALLEJO: Roll call for tonight's meeting. Mr. Grullon.

CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Mr. Marotta is absent.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent at this time, he's on the way. Mr. Garcia is absent.

Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Mr. Cetinich is absent.

Ms. Watley.

MS. WATLEY: Here.

MR. VALLEJO: Let the record indicate there are five present.

* * * *

ADOPTION OF MINUTES:

Regular meeting held on February 10, 2022

MR. VALLEJO: Approval of previous meeting minutes of February 10, 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: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Five in favor, motion carries.

* * * *

1 **Julianna Flores -**

2 **4116-4120 Bergenline Avenue:**

3
4 MR. VALLEJO: We're going to change a
5 little bit tonight's agenda, the order of agenda.
6 We're moving to number two, Julianna Flores,
7 4116-4120 Bergenline Avenue. Mr. Alonso, please.

8 MR. ALONSO: Good evening, Mr. Chairman,
9 members of the board, Al Alonso on behalf of the
10 applicant. I'm providing counsel with my
11 publication and notice.

12 MR. MAROTTA: Thank you for your
13 patience, the board has jurisdiction.

14 MR. ALONSO: Thank very much.

15 Chairman, members of the board, this is
16 an application to legalize an existing catering
17 hall on the second floor of the subject property.
18 For those of us who've been around for a long
19 time, we remember it as La Cantania, and it was
20 always a hall upstairs. I did get the memo from
21 the building department, dating back quite some
22 time, where they actually have it listed as two
23 residential units. So they referred us to the
24 board. So we're here really just to legalize the
25 existing use. We do need a variance for the use,

1 but all the other bulk requirements are existing
2 conditions. And we're not looking to expand upon
3 them.

4 With that said, I have one witness this
5 evening, Orestes Valella, the architect, who will
6 testify as to the plans.

7

8 O R E S T E S V A L E L L A, after having been
9 duly sworn or affirmed, did testify as follows:

10

11 MR. VALELLA: My name is Orestes
12 Valella, V-A-L-E-L-L-A, and I'm still a licensed
13 architect in the states of New York and New
14 Jersey. And my professional offices are now in
15 Union City, 507 43rd Street, 5th floor, in Union
16 City.

17 CHAIRPERSON GRULLON: We accept your
18 qualifications, Mr. Valella.

19 MR. VALELLA: Thank you.

20 MR. ALONSO: Okay. Mr. Valella, I'm
21 going to ask you to go into the proposal of the
22 existing catering hall.

23 MR. VALELLA: Sure, I'll be happy to.
24 As a matter of fact, I mean following up on what
25 Al said, I think I remember -- my kids are in

1 their 30s now, but I remember taking them to
2 birthday parties in this place when they were in
3 their early days. So it's been around for awhile.

4 MR. VALLEJO: One second. Let the
5 record indicate that Mr. Ortiz joined the meeting.
6 Now we have six members. Thank you.

7 MR. VALELLA: This is a catering hall,
8 you know birthday parties and the like, and it's
9 obviously been there for awhile. It's in very
10 good condition, I visited the site, went up. It's
11 got two means of egress, it's all existing, two
12 bathrooms, men's and women's bathrooms. There's a
13 large stair that is the main access point. And
14 then there's a second emergency egress stair that
15 goes down.

16 I rated it for a capacity of 80 persons,
17 based on the unconcentrated table use, you know,
18 tables for a sit down, which gave me 80 people.
19 It's all in very good condition, it's all well
20 maintained. It's obviously existing. It's on the
21 second floor. The property is 48-by-75,
22 3,600 square feet.

23 I don't -- I can't imagine it was ever a
24 residential use, but we'll go with that. It has
25 no -- usually, you can tell as a design

1 professional, oh, this must have been, but this
2 has no earmarks of any of that. And it really is
3 very little to do here.

4 If you approve it, I would look forward
5 to going to the building department and working
6 with them to see if they want to add any
7 additional life safety devices. I noticed the
8 emergency exit signs, I noticed the emergency
9 lights. There's sky lights, there's large ample
10 windows, wide egress stairs and access stairs.
11 There's really, from my professional standpoint,
12 nothing to do here. But, you know, we always
13 listen to the building department in case they
14 want to do anything further. But I don't see or
15 anticipate any of that.

16 MR. ALONSO: Technically, the reason why
17 we're here is there was a prior tenant using that
18 space as a catering hall. The lease expired and
19 my client entered into the lease, went to get the
20 certificate of occupancy to continue the
21 operation, that's when the building department
22 indicated that we had to come to the board.

23 So with that said, there's really no
24 proposed changes or construction at the site.

25 CHAIRPERSON GRULLON: Okay. Mr.

1 Valella, you mentioned that you got an opportunity
2 to visit the area?

3 MR. VALELLA: Yes, I did. I went in and
4 walked the whole thing.

5 CHAIRPERSON GRULLON: On the plans that
6 we have here, it mentioned something about the
7 adjacent space, is that part of the application?

8 MR. VALELLA: No, no. That's just
9 because the building is a rectangle, so we wanted
10 to draw the building as a rectangle. But that's
11 another tenant, that has nothing to do with this.

12 CHAIRPERSON GRULLON: Has nothing to do
13 with the application?

14 MR. VALELLA: No.

15 CHAIRPERSON GRULLON: Okay. And I know
16 that -- just to get the records clear, we have to
17 go over the, you know, the schedules.

18 MR. VALELLA: The zoning table?

19 CHAIRPERSON GRULLON: Could you go
20 over --

21 MR. VALELLA: Sure, I'll be happy to.
22 This property is Block 240, and it's Lots 17 and
23 18, known as 4116-20 Bergenline Avenue. It's in
24 the CN neighborhood commercial, Bergenline Avenue.
25 The lot area is 3,600 square feet, where 2,500

1 would be required. The lot width is 48, where 25
2 would be required. The lot depth is 75, where 100
3 would be required. There is no front yard and no
4 front yard is required. There is no side yard and
5 zero is required, or five if you provide one. The
6 rear yard is 5.16 feet, where 20 is required. The
7 building coverage is 93 percent, where 80 is the
8 maximum permitted. Lot coverage is 100 percent
9 and 100 percent is permitted. It is two stories
10 and four are permitted. The maximum height, it's
11 approximately 24 feet in height where 50 would be
12 maximum permitted.

13 There is no parking, there never has
14 been. And if you follow the zoning table of one
15 parking space for each three and a half seats and
16 we do the math, about 80 seats, based on the
17 square footage as I mentioned previously, 23
18 parking spaces would be required. But, you know,
19 I urge you to remember this is Bergenline Avenue.
20 This has been there for decades without any
21 parking, working successfully. And we just ask
22 that the status quo be maintained.

23 MR. ALONSO: There's a municipal lot
24 half a block away?

25 MR. VALELLA: Half a block away.

1 CHAIRPERSON GRULLON: Thank you, Mr.
2 Valella. So one more thing, you -- is the owner
3 here?

4 MR. VALELLA: The tenant.

5 CHAIRPERSON GRULLON: The tenant. For
6 how long have they been with that catering
7 business?

8 MR. ALONSO: Let me just see if she
9 speaks English.

10 CHAIRPERSON GRULLON: Maybe I ask the
11 question, just ask for how long she's been there
12 with the business?

13 (Discussion off the record.)

14 MR. VALELLA: I can translate if you'd
15 like.

16 It's been a few months, she started
17 renting just before the pandemic. She's never
18 been able to open her business.

19 CHAIRPERSON GRULLON: Okay. Thank you,
20 thank you.

21 MR. MAROTTA: And your client's name?

22 MR. ALONSO: Julianna Flores.

23 CHAIRPERSON GRULLON: Because we were
24 supposed to swear her in.

25 MR. MAROTTA: We were supposed to swear

1 her in. Can we swear her in just for the record?

2

3

4 J U L I A N N A F L O R E S, having been duly
5 sworn or affirmed.

6

7 CHAIRPERSON GRULLON: Mr. Alonso, at the
8 beginning of your presentation, you mentioned this
9 has been a business for a long time?

10 MR. ALONSO: That's correct.

11 CHAIRPERSON GRULLON: Is there any
12 residential units in there?

13 MR. ALONSO: Not to my understanding. I
14 believe the other side is vacant. Is the other
15 side vacant?

16 CHAIRPERSON GRULLON: According to the
17 memo from building department, there's two
18 residential units and one commercial space.

19 MR. ALONSO: Correct. That's what I --
20 at the beginning of my presentation, I indicated
21 that about three days ago, I did receive that memo
22 from the building department, which indicates that
23 back -- I think back in the '70s, it was the
24 records that I have. It was reflected as two
25 residential units and the one commercial on the

1 ground floor. But as far as back as I can
2 remember, and I'm 58, it's been commercial.

3 CHAIRPERSON GRULLON: What are we
4 looking to do here, is it two commercial?

5 MR. ALONSO: Well, I believe there's two
6 units upstairs. And Mr. Valella shows the other
7 one as -- is it the entire floor?

8 MR. VALELLA: No, no, we're not the
9 entire floor. We're two-thirds of the floor, but
10 our application is to legalize the space in
11 question.

12 MR. ALONSO: Correct. I'm assuming that
13 the building department memo reflects the two
14 units that are on shown on the plans were, at one
15 point, residential. We don't -- we're not
16 touching the other unit, we're just reflecting our
17 one unit. So the one residential -- what's listed
18 as a residential unit would be finally legalized
19 as a commercial unit.

20 MR. MAROTTA: Do you have anybody to
21 testify as to the criteria?

22 MR. ALONSO: No, I do not, not today.
23 If the board would require that, then we would
24 have to come back.

25 CHAIRPERSON GRULLON: My concern is that

1 this is calling for two residential units to be
2 converted into one commercial. And then you have
3 another commercial on the ground floor, no?

4 MR. ALONSO: No. It's -- and again,
5 based on the building department records, it
6 appears there's two residential units upstairs.

7 CHAIRPERSON GRULLON: Do you have the
8 memo in front of you?

9 MR. ALONSO: Yeah, I do.

10 MR. MAROTTA: This shows two residential
11 units, right, you know --

12 CHAIRPERSON GRULLON: On the upper
13 floor.

14 MR. MAROTTA: On the upper floor. Do
15 you have any pictures?

16 CHAIRPERSON GRULLON: We have pictures
17 here.

18 MR. MAROTTA: We have pictures. No,
19 inside.

20 MR. ALONSO: We have Mr. Valella's plans
21 and it shows two units. One unit, which is the
22 subject unit, and then the adjacent unit.

23 MR. MAROTTA: And I believe -- Mr.
24 Valella, have you been in the upstairs?

25 MR. VALELLA: Yes.

1 MR. MAROTTA: Okay. And there's no
2 residential units there?

3 MR. VALELLA: No, no, none whatsoever.
4 This has been a catering hall for decades
5 absolutely.

6 MR. MAROTTA: What do you base that
7 statement on?

8 MR. VALELLA: Being in Union City since
9 the '70s, personally and by visually seeing it.

10 MR. MAROTTA: Were you personally in
11 that space?

12 MR. VALELLA: Yes.

13 MR. MAROTTA: In the '70s?

14 MR. VALELLA: No, not in the '70s.

15 MR. MAROTTA: Okay. I just -- you
16 know --

17 MR. ALONSO: You indicated, based on
18 your children's ages, about 25 years?

19 MR. MAROTTA: I understand, I
20 understand. So just for the board's knowledge,
21 for a D1 use variance, they have to meet the
22 criteria positive and negative criteria. Really,
23 the only way to do that is through a planner and
24 that's why I asked whether there's a planner. The
25 statement tonight is that it's always been a

1 catering hall. I wish that -- the tax record
2 showing that, shows it as a residential in '73.
3 And it might not even have been -- although, they
4 did an inspection, so there's got to be a basis
5 for that statement.

6 MR. ALONSO: Right. That's the way I
7 started off my presentation.

8 MR. MAROTTA: No, I know, I know.

9 MR. ALONSO: That the building
10 department, for some reason, has it -- based on
11 the tax records, not based on the building
12 department records.

13 MR. MAROTTA: No.

14 MR. ALONSO: On the tax records.

15 MR. MAROTTA: But in '73, when they did
16 the re-val, they came up with a -- they inspected
17 and had two units up there.

18 MR. ALONSO: I understand, understood.

19 MR. VALELLA: Well, I can attest there
20 are none now.

21 MR. MAROTTA: And I appreciate that.
22 And in all likelihood, based on the testimony, it
23 appears it has been a catering for some time.

24 CHAIRPERSON GRULLON: Yes. And I accept
25 that, being a commercial unit on the second floor,

1 the total to have three units. But my question is
2 according to the building department memo, we will
3 have this application, if approved, it's going to
4 be two residential -- two commercial.

5 MR. MAROTTA: Two commercial. That's
6 what they're looking for a change in use from a
7 two-unit residential structure with a commercial
8 on the bottom to two commercial units; is that
9 correct?

10 CHAIRPERSON GRULLON: Yes.

11 MR. ALONSO: No, because we're not
12 touching the unit next door. There's three total
13 units.

14 CHAIRPERSON GRULLON: On the ground
15 floor, not on the ground floor.

16 MR. ALONSO: Right. The ground floor
17 stays the same and upstairs is two units.

18 MR. MAROTTA: Do you know what the other
19 unit is?

20 MR. ALONSO: No. My client is just a
21 tenant in the one unit. I don't represent the
22 landlord, so I don't know.

23 MR. MAROTTA: Does your client know?
24 Because it might be a residential unit.

25 MR. ALONSO: She indicated it's an

1 apartment.

2 MR. MAROTTA: Oh.

3 MR. ALONSO: It's an apartment.

4 MR. VALELLA: So maybe that is the one
5 and the second is our mystery man.

6 MR. ALONSO: And I believe that's what
7 it is. I think it's two units, one which is the
8 adjacent one, which we're not touching. The
9 downstairs is commercial, we're not touching. So
10 we're converting the residential unit as indicated
11 in the tax records from 1973 finally to
12 commercial.

13 MR. MAROTTA: So would you -- would it
14 be then just one of these residential units that
15 are being converted into a commercial space?

16 MR. ALONSO: That's correct.

17 CHAIRPERSON GRULLON: Okay.

18 MR. ALONSO: So it will be two
19 commercial, one residential.

20 CHAIRPERSON GRULLON: Okay. That's that
21 clarifies the issue.

22 The other thing, Mr. Valella, you
23 mentioned that you've been inside of the property?

24 MR. VALELLA: Yes.

25 CHAIRPERSON GRULLON: Had you noticed

1 any, you know, like the appliances, if they've
2 been there for -- are they new appliances?

3 MR. VALELLA: No, no, no. There's --
4 everything that's there looks to be decades old,
5 but in very good condition, very well maintained.
6 It's all commercial. There is no evidence
7 whatsoever of any residential.

8 MR. MAROTTA: Is there a stove?

9 MR. VALELLA: No.

10 MR. MAROTTA: Okay.

11 CHAIRPERSON GRULLON: I don't have
12 anymore questions. Do you have any questions?

13 MS. PEREZ: Just a question, the owner
14 doesn't have to be present for that? Just the
15 tenant?

16 MR. ALONSO: The owner signs a consent
17 on the application authorizing us to appear.

18 MR. MAROTTA: It's there.

19 CHAIRPERSON GRULLON: Any other members
20 of the board have any questions? I don't have
21 anymore questions.

22 At this particular time, I'll open to
23 the public. Any member of the public want to step
24 forward?

25 MS. MARTINO: Yeah, please. Ruth

1 Martino, R-U-T-H M-A-R-T-I-N-O.

2 My name is Ruth Martino, I live in 413
3 41st Street for 47 more -- plus years. I never
4 saw, you know, anything, you know, like a catering
5 hall or anything on top of the place. And I want
6 to find out why, you know, this is not the first
7 time. It was denied before, the petition to be,
8 you know, legalized. It have never been, you
9 know, any catering hall up there. I have been in
10 that place, you know, for so many years, I never
11 saw you know anything like that. Only on the
12 first floor a restaurant.

13 And I don't remember it was last year or
14 the year before, they applied for a liquor license
15 for the restaurant and it was denied. So I want
16 to find out if they request, you know, approval
17 last year for the same thing, why it wasn't
18 denied, too? Is it because the catering hall,
19 they have the liquor license now? That's the way
20 to cope, you know, with the problem?

21 CHAIRPERSON GRULLON: Can you answer
22 that question?

23 MR. MAROTTA: I'm not sure if I -- I
24 just want to clarify.

25 MS. MARTINO: Okay.

1 MR. MAROTTA: Are you saying that the
2 same application had come before the board to
3 legalize the upstairs?

4 MS. MARTINO: Yeah.

5 MR. MAROTTA: As a catering hall?

6 MS. MARTINO: Yes. That's what I read
7 today in the papers. You know, I went to the City
8 Hall. There was, you know -- there was some
9 application last year and it was denied.

10 CHAIRPERSON GRULLON: Maybe for the
11 liquor license.

12 MR. MAROTTA: Was that just for the
13 liquor license?

14 MS. MARTINO: No, that was the -- you
15 know, for the catering hall.

16 MR. VALLEJO: I don't have a
17 recollection of a previous application on that
18 site.

19 MS. MARTINO: Okay. You gave me the
20 paper this morning, when I went to the City Hall.

21 MR. VALLEJO: That's the --

22 MS. MARTINO: -- and that's what I read.

23 MR. VALLEJO: That's for this
24 application?

25 MS. MARTINO: Yes, it is part of the

1 papers, they say they applied.

2 MR. ALONSO: I believe what she may be
3 referring to in terms of the denial could be the
4 zoning denial letter, which is what then brings us
5 to this board.

6 MR. MAROTTA: There is -- the reason
7 they are here is they had applied for a zoning
8 permit of --

9 MS. MARTINO: For the legalization.

10 MR. MAROTTA: And it was denied by the
11 zoning officer. That may be what you're referring
12 to.

13 MS. MARTINO: Okay. Probably that's the
14 one. But in the same place, you know, there
15 was -- not last year, I think it was the year
16 before, you know, I went to the board, I don't
17 remember, you know, anybody remember, it was the
18 mayor there and I don't remember you people. So
19 they denied, you know, the application for the
20 liquor license for the restaurant.

21 MR. MAROTTA: Okay.

22 MS. MARTINO: So that's what happened.
23 So I find out, you know, now, the catering hall is
24 because, you know, they got a liquor license, too,
25 and they going to have the same problem as before,

1 you know, with all the noise and the drunks and
2 everything else?

3 MR. MAROTTA: As far as them having a
4 liquor license now, I would not be able to answer
5 that. Mr. Alonso's client may be able to do so.
6 However, if they don't have a liquor license, this
7 application does not give them a liquor license.

8 MS. MARTINO: So what is a catering
9 hall? That's how I understood it, catering hall
10 is you can give food, you can give liquor, and you
11 can give whatever?

12 MR. MAROTTA: A catering hall, you can
13 give food. You can have a party there, but if you
14 do not have a liquor license, you cannot sell
15 liquor to the party that is taking place, you
16 cannot give it. Whether they can bring their own
17 alcohol in is a different story. That I don't
18 know.

19 MS. MARTINO: That's not right.

20 MR. MAROTTA: They might be be able to
21 bring, it might be a BYOB and they can bring their
22 own, but I don't know the answer to that.

23 MS. MARTINO: Well, that's problem
24 because that's -- you know, I live there for so
25 many years and it's getting worse. It's getting

1 worse. That's what happened. Thank you.

2 CHAIRPERSON GRULLON: Thank you.

3 Mr. Alonso, could you find out with your
4 client the hours of operation for the catering
5 hall, if it has operated any time after she rent
6 it?

7 MR. ALONSO: Mr. Chairman, you mean if
8 approved?

9 CHAIRPERSON GRULLON: If approved.

10 MR. ALONSO: If this application is
11 approved, what are the hours of operation?

12 MR. VALELLA (INTERPRETING FOR MS.
13 FLORES): She would be open on weekends and the
14 hours that you would allow her to be open.
15 7:00 p.m. to 1:30 a.m., if you permit it. But she
16 mentioned that she would be open to whatever hours
17 you would designate.

18 CHAIRPERSON GRULLON: I believe catering
19 halls are based on restaurant hours, you know,
20 until like 10 p.m.

21 MR. VALLEJO: I think it's open to 2
22 p.m.

23 MR. MAROTTA: Restaurants?

24 MR. VALLEJO: 2 a.m.

25 MR. VALELLA (INTERPRETING FOR MS.

1 FLORES): She does a want to make it clear she
2 does not have a liquor license and she would not
3 be serving any alcohol.

4 MR. MAROTTA: Al, if I may ask a
5 question?

6 MR. ALONSO: Sure.

7 MR. MAROTTA: Do you own the restaurant
8 below?

9 MR. VALELLA (INTERPRETING FOR MS.
10 FLORES): No.

11 MR. MAROTTA: Okay.

12 VICE CHAIRPERSON GUTIERREZ: To what
13 time in the restaurant, the bar is open? I would
14 like to know to what time the restaurant is open
15 on the bottom?

16 MR. VALELLA (INTERPRETING FOR MS.
17 FLORES): They would close at 10 p.m., but now
18 it's changed ownership.

19 VICE CHAIRPERSON GUTIERREZ: But she
20 doesn't know the time now that they close?

21 MR. VALELLA (INTERPRETING FOR MS.
22 FLORES): They're remodeling, so she doesn't know.
23 They're making repairs, so they don't know what
24 the new hours would be.

25 VICE CHAIRPERSON GUTIERREZ: Thank you.

1 MS. PEREZ: The restaurant has nothing
2 to do with the catering hall, they're not related.

3 VICE CHAIRPERSON GUTIERREZ: But the
4 restaurant is on the bottom.

5 CHAIRPERSON GRULLON: Mr. Alonso, I
6 would suggest that you talk to your client, come
7 back with a planner and just try to get
8 information about the adjacent property, that way
9 we have a clear record. Now that you presented it
10 on the plans, we would like to know if it's -- we
11 already know it's an apartment, but we would like
12 to know more information about this. And also
13 if -- we understand they don't have a liquor
14 license, but I just want to know more about the
15 hours of operation, something to put in the
16 record, if approved.

17 MR. ALONSO: Sure.

18 MR. VALELLA: No problem.

19 CHAIRPERSON GRULLON: And as you know,
20 it has to be something -- it's in a neighborhood
21 and we have to make sure that the residents are,
22 you know, protected --

23 MR. ALONSO: Understood.

24 CHAIRPERSON GRULLON: -- for parties
25 that goes out of control or serving alcohol

1 without permission. I know the police department
2 is pretty active with that and they will lose any
3 rights they have if they violate any of the rules.
4 But I just want to make sure we have everything
5 clear if we approve this application.

6 MR. ALONSO: Understood.

7 MR. VALELLA: Thank you.

8 MR. MAROTTA: Another question is
9 whether or not his client has ever had another
10 catering hall?

11 MR. ALONSO: Okay.

12 CHAIRPERSON GRULLON: That would be, you
13 know, good. Also if you have record of the
14 previous tenants had a catering hall in the other
15 place and for how long.

16 MR. ALONSO: Very good, thank you.

17 CHAIRPERSON GRULLON: You want to carry
18 it?

19 MR. ALONSO: Right, we're going to carry
20 it.

21 MR. MAROTTA: He's asking for a date.

22 CHAIRPERSON GRULLON: Carlos, what would
23 be the next hearing?

24 MR. VALLEJO: April 14th.

25 CHAIRPERSON GRULLON: April 14th. Going

1 to make a motion to carry this application to next
2 month meeting of April 14, without new notice.

3 MR. ALONSO: Thank you.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Second.

6 MR. VALLEJO: Motion to carry to
7 April 14th, 2022, by Mr. Grullon, seconded by Ms.
8 Gutierrez. Roll call on the motion.Mr. Grullon.

9 CHAIRPERSON GRULLON: Yes to carry.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: Yes.

14 MR. VALLEJO: Ms. Pena.

15 MS. PENA: Yes.

16 MR. VALLEJO: Ms. Perez.

17 MS. PEREZ: Yes.

18 MR. VALLEJO: Ms. Watley.

19 MS. WATLEY: Yes.

20 MR. VALLEJO: Six in favor, motion
21 carries. No new notice required.

22 MR. ALONSO: Thank you.

23
24 * * * *

25

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

3
4 MR. VALLEJO: We're moving now to SSA
5 Development II, LLC, 202 Bergenline Avenue. I
6 think Ms. Perez is going to recuse herself for
7 this application.

8 MR. MAROTTA: Is that the first matter,
9 that's number one?

10 MR. ALONSO: Notices were accepted last
11 time and it was carried.

12 Mr. Chairman, if you'd like, while the
13 architect is setting up, I'll go ahead and start,
14 give you an overview of where we're at.

15 CHAIRPERSON GRULLON: Are we okay to
16 proceed?

17 MR. MAROTTA: Notice has already --
18 jurisdiction has already been found?

19 MR. ALONSO: Correct.

20 MR. MAROTTA: Then, absolutely you can
21 give an opening.

22 MR. ALONSO: Thank you. Al Alonso on
23 behalf of the applicant. This application has a
24 little bit of history. My client purchased this
25 property as an existing three family home. It was

1 in a state of disrepair and he wanted to fix it.
2 The disrepair was such that the City came in and
3 ordered us to actually demolish the building. So
4 we demolished the building and now it's currently
5 a vacant lot.

6 My client's intention then was to
7 rebuild the three family house that was previously
8 there. We filed an application for a three family
9 at the time that the zoning permitted it. We went
10 to the planning board, planning board kicked it
11 back because the zoning changed, three families
12 were no longer permitted. So it came to this
13 board because we needed a use variance, a D1 use
14 variance and a D6 height variance for the three
15 family house.

16 We did appear before the board, the
17 board was not looking favorably upon it because of
18 the change in zoning. As a result, we had some
19 feedback from the board, we made revisions to the
20 plan, which I believe is consistent with what the
21 board has asked us to do. We reduced it to a two
22 family house, which is now a permitted use. So we
23 eliminated the D1 use variance and reduced the
24 height, which eliminated the D6 height variance.
25 So we have just a couple bulk variances. So at

1 this time, we're presenting to you the revised
2 plans --

3 CHAIRPERSON GRULLON: Are these the
4 revised plans?

5 MR. ALONSO: Yes, revised plans for a
6 two family.

7 CHAIRPERSON GRULLON: I like that
8 better.

9 MR. ALONSO: What is the revision date?

10 MR. CARAMIA: 1/26/22.

11 MR. ALONSO: 1/26/22.

12 MR. CARAMIA: The date on the upper
13 right hand corner. I think the confusion --

14 MR. ALONSO: Let's get you sworn in.

15 CHAIRPERSON GRULLON: The picture is
16 confusing because that picture is showing two
17 floors.

18 MR. VALELLA: I think the confusion is
19 that --

20 MR. ALONSO: Get sworn in first.

21

22 I G N A T I U S C A R A M I A, after having
23 been duly sworn or affirmed, did testify as
24 follows:

25

1 MR. CARAMIA: Ignatius Caramia,
2 I-G-N-A-T-I-U-S C-A-R-A-M-I-A, architect,
3 licensed, State of New Jersey, 20 years plus,
4 maybe 30 experience.

5 MR. ALONSO: Mr. Chairman, Mr. Caramia
6 was --

7 CHAIRPERSON GRULLON: Yes, we accept
8 your qualifications.

9 MR. CARAMIA: I think the confusion
10 might be that you're looking at three stories of
11 residential use, but they're both duplex units.
12 In other words, there's an apartment on the second
13 floor that shares half of the third. And the
14 fourth floor apartment also shares half of the
15 third. In other words, the third, the
16 intermediate floor is separated in half so that
17 each apartment takes up a story and a half.

18 CHAIRPERSON GRULLON: I see. You're
19 showing a roof deck?

20 MR. CARAMIA: Correct.

21 CHAIRPERSON GRULLON: Okay, okay. I got
22 the corrected plans. Are you done with your
23 presentation?

24 MR. ALONSO: No, I'm going to have Mr.
25 Caramia review the proposed revised plans.

1 MR. CARAMIA: So the plans were revised.
2 We did diminish the building in height by about
3 two and a half feet. We also diminished in depth,
4 we provided the 20 foot rear yard setback. And we
5 did, as Mr. Alonso indicated, go to a two unit,
6 two family building.

7 I could walk you through it. We have
8 the parking on the ground floor, a little area in
9 the back for some storage or possibly a gym,
10 that's yet to be determined. The second floor is
11 the first apartment, comprised of living, dining,
12 kitchen. We want to take advantage of the yard,
13 so we're kind of orienting the apartment towards
14 the rear. We have the master bedroom in the
15 front. And we have an internal stair that brings
16 you to the third floor, to your half of the third
17 floor with two additional bedrooms. So it is a
18 three bedroom apartment.

19 The fourth floor is basically the same
20 as the second, the only difference being that
21 you're going down a flight of stairs to your half
22 of the third floor for the other two bedrooms.
23 Then we do have access to the roof. We have two
24 means of egress from both floors, we have two
25 means of egress from the roof as well. And I can

1 take you through the project data or the zoning
2 table, if you'd like.

3 MR. ALONSO: Yes, please.

4 MR. CARAMIA: Okay. So our building
5 area is 1,558 square feet, that is the footprint
6 of the building. Each floor is 1,500 -- obviously
7 1,558 square feet for a total --

8 MR. MAROTTA: Excuse me, just to
9 interrupt. I don't see what's required, what
10 the --

11 MR. CARAMIA: The requirements are on
12 the schedule, but I could go through them with
13 you, if you'd like.

14 MR. MAROTTA: Are they on this? Am I
15 missing it?

16 MR. CARAMIA: Not on that one, but
17 they're -- we ripped them out of the zoning
18 ordinance, they're on the left-hand side.

19 MR. MAROTTA: Oh.

20 MR. ALONSO: Why don't we go through the
21 zoning regulations?

22 MR. CARAMIA: Yeah. We'll go through
23 these. So we're required -- it is an R zone, the
24 use is approved, it's an approved use. The lot
25 area, required is 2,500 square feet, our lot is

1 about 200 narrower than -- well a 25 foot lot,
2 it's about 24 foot 10 in width. So it is a
3 smaller lot by 20 square feet or so.

4 The depth of the lot is 100 feet, that
5 is what we have. The front yard, what prevails is
6 a zero front yard setback, which is what we are
7 proposing. The side yards, we are complying with.
8 We have one side yard of two feet, the other side
9 yard of three, so two and three, total of five.

10 The rear yard requirement is 20 feet,
11 we've provided the 20 foot rear yard. The maximum
12 height is three feet maximum allowed, we had a
13 four -- had and have a four-story building. But
14 we did take down the height of the building since
15 we last met by about two and a half feet.

16 Height of the building allowed 38,
17 height of the building proposed is 40 feet 10.
18 And coverages, 65 allowed for building coverage,
19 we have 62.75, complies. The lot coverage
20 95 percent allowed, we have 81.05 provided.

21 MR. MAROTTA: Do you have the parking?

22 MR. CARAMIA: We have four parking
23 spaces on the ground floor.

24 MR. MAROTTA: And do you have the
25 requirements?

1 MR. CARAMIA: I don't see that.

2 MR. ALONSO: The requirements in terms
3 of?

4 MR. MAROTTA: Parking, I don't know how
5 many bedrooms you have?

6 MR. CARAMIA: We have three bedrooms.

7 MR. MAROTTA: Three for each unit?

8 MR. CARAMIA: Yes, correct.

9 CHAIRPERSON GRULLON: What is the rear
10 yard that you're going to be providing?

11 MR. CARAMIA: 20 feet.

12 CHAIRPERSON GRULLON: You'll be
13 providing 20 feet?

14 MR. CARAMIA: Yes.

15 CHAIRPERSON GRULLON: Mr. Spatz, do we
16 have a memo for?

17 MR. SPATZ: I did not receive the
18 revised plan but I took a look at it this evening.
19 And the variances as were described, that's
20 accurate. So they've eliminated all of the D
21 variances from this. The use is permitted, the
22 height is a C variance because it's lower than the
23 10 percent threshold.

24 CHAIRPERSON GRULLON: What is the height
25 of the building now?

1 MR. CARAMIA: The height that we're
2 proposing is 40 feet 10 inches. We took that down
3 from the last time we met from 43, 2. As I said,
4 not to repeat myself, but we did pare down the
5 size of the structure, both in depth and height.

6 CHAIRPERSON GRULLON: Could you describe
7 the roof deck, what are you proposing there?

8 MR. CARAMIA: Well, we provided an area
9 because we do have an occasion to enjoy the
10 skyline, the view of the Manhattan skyline from
11 the deck. And we didn't want to -- the owner
12 thought it would be a nice amenity to have on the
13 building. It does have two means of egress off of
14 that deck. These stairs do not take you directly
15 into the apartments, they're both common
16 stairwells, so we provide a deck to the rear
17 portion of the building where there is no -- -

18 CHAIRPERSON GRULLON: Will you be
19 providing a railing?

20 MR. CARAMIA: Well, there's a parapet
21 around the perimeter of the building. So those
22 walls about are three feet higher than the surface
23 of the deck.

24 CHAIRPERSON GRULLON: I see, okay. The
25 proposed project, is that located -- is that on

1 Bergenline Ave.?

2 MR. ALONSO: It's on Bergenline Ave.,
3 yes.

4 CHAIRPERSON GRULLON: What do you have
5 to be --

6 MR. ALONSO: We have a planner who will
7 be testifying.

8 CHAIRPERSON GRULLON: Okay.

9 MR. MAROTTA: Thank you.

10 CHAIRPERSON GRULLON: I'll leave my
11 questions to the end.

12 MR. ALONSO: Sure. Ignatius, anything
13 else you need to add or that concludes?

14 MR. CARAMIA: No, I think covered what I
15 needed to.

16 MR. MAROTTA: I do have -- since I'm
17 just looking at the plans, I do have a question,
18 how the split is between the two floors, the
19 second -- so the third floor is the one that's
20 split between the two, correct?

21 MR. CARAMIA: Correct.

22 MR. MAROTTA: So --

23 MR. CARAMIA: That third floor has two
24 bedrooms in the front and two bedrooms in the
25 rear. The two bedrooms in the front service or

1 belong to the lower unit. And the two bedrooms in
2 the rear belong to the upper unit. That's why
3 they're labeled bedroom U, U, L, and L for upper
4 and lower.

5 MR. MAROTTA: Okay, bedrooms two and
6 three.

7 MR. CARAMIA: That's for me to
8 understand, maybe not you, I'm sorry.

9 MR. MAROTTA: No, no, it helps. And
10 there's two separate entrances for each?

11 MR. CARAMIA: Correct, correct. I'll
12 point out we also have access from that third
13 floor to the common stairwells, which is not
14 really -- not necessarily a requirement because
15 within the duplex, you're allowed to traverse
16 through the apartment to get to the exit. But we
17 thought, you know, we had the opportunity to get
18 to the exits quicker and we took advantage.

19 MR. MAROTTA: Okay.

20 CHAIRPERSON GRULLON: Just one more
21 question about the bedrooms. I'm missing one
22 prime bedroom, I only see one. Do you see the
23 other one?

24 MR. CARAMIA: Well, the plan -- there's
25 one plan that's both the second and fourth floor.

1 CHAIRPERSON GRULLON: Okay.

2 MR. MAROTTA: So it's the same thing,
3 it's mirror image.

4 CHAIRPERSON GRULLON: Okay, I don't
5 have.

6 MR. MAROTTA: Thank you.

7 MR. ALONSO: Okay.

8

9 M A T T F L Y N N, after having been duly sworn
10 or affirmed, did testify as follows:

11

12 MR. FLYNN: Matt Flynn, F-L-Y-N-N.

13 MR. ALONSO: Mr. Flynn, have you
14 appeared before this board in the past?

15 MR. FLYNN: I don't believe I have, no.

16 MR. ALONSO: Okay. So I'm going to ask
17 you to just go over your qualifications.

18 MR. FLYNN: I have my professional
19 planners license in the State of New Jersey, as
20 well as my AICP certification, which is the
21 national certification. My education comes from
22 Rutgers where I got my graduate degree in
23 planning. And both my licenses are in good
24 standing.

25 CHAIRPERSON GRULLON: Thank you.

1 Welcome, we accept your qualifications.

2 MR. MAROTTA: Just, have you ever
3 testified before?

4 MR. FLYNN: Oh, yeah. On an almost
5 nightly basis throughout the state.

6 MR. MAROTTA: Okay.

7 MR. ALONSO: Mr. Flynn, you prepared a
8 planning analysis?

9 MR. FLYNN: I did.

10 MR. ALONSO: I'm going to ask you to
11 review it with the board at this time?

12 MR. FLYNN: Sure. I do have a little
13 packet of photographs that I'd like to pass
14 around. Just bear with me for a moment because I
15 didn't make one for myself. So as we know, we are
16 looking at one tax lot, Block 8, Lot 24, currently
17 a vacant lot, which is what you see on page one of
18 this exhibit that I don't know if you want to
19 mark --

20 MR. ALONSO: We'll mark the exhibit as
21 A-1.

22

23 (Planning packet marked A-1 for
24 identification.)

25

1 MR. FLYNN: So on exhibit A-1, page one,
2 we do see the vacant lot, that is Lot 24. Like
3 our architect testified to, it is 2,483 square
4 feet as opposed to the 2,500 square feet that's
5 required. Likewise, the lot width is 24.83 feet.
6 So if we just had that .17 feet of lot width, it
7 would be fully conforming in terms of lot size.
8 So that deviation is certainly de minimus and not
9 really perceivable, less than half a foot really
10 in width. And as he testified to, the lot depth
11 is 100 feet, where 100 feet is required. So we do
12 have adequate lot depth, which is how we're able
13 to meet our rear yard setback of 20 feet.

14 So just in terms of the surrounding
15 neighborhood, what we do see on sheet one here is
16 that we are in a residential neighborhood. I
17 think the Chairman asked a question as to what's
18 to the south of us, if I heard you right?

19 CHAIRPERSON GRULLON: Yes.

20 MR. FLYNN: We are surrounded by
21 residential uses in all directions. And what we
22 see to the right side of this exhibit here is
23 Washington Park. So we are -- actually that white
24 building that's to the right of the vacant site is
25 the only lot that's in between us and Second

1 Street, and then it would be the park. So we're
2 almost around the corner, almost right across
3 street from that park.

4 If we flip over to page two of exhibit
5 A-1, we start to see some other four-story
6 buildings in the background there. I don't know
7 if the board can see it, but if you look right
8 before we see the Manhattan skyline, we do see
9 one, two, three four-story buildings. And in
10 addition to those which are a block away from our
11 site, on our block actually is another property,
12 which is 416 Second Street, which we see in this
13 exhibit here. It's another four-story building on
14 Second Street, which is on our block. So there is
15 compatibility in that regard with regard to --
16 there's a nice variety of buildings in the area.
17 If we flip over to page three, we see a street
18 level view of the subject site. Again, it's a
19 vacant building. Of course, this plan is to
20 revitalize this lot with a substantially compliant
21 building in items of the zoning. The only C
22 relief that we need is really related to two feet
23 in height at this point.

24 It's compliant in terms of use. We now
25 have a two-family building whereas two-family is

1 permitted. It's compliant in terms of building
2 coverage and lot coverage. In fact, the lot
3 coverage is being decreased. So now we actually
4 have about 81 percent lot coverage, where we're
5 allowed 95 percent, so it's well below what the
6 actual coverage amount that would be permitted.

7 We're compliant in terms of parking,
8 compliant in terms of density. Again, we don't
9 need any D variances. The only C relief that
10 we're seeking here is simply in terms of height.
11 And that height is four stories and 40 feet,
12 10 inches, as opposed to three stories 38 feet.

13 And I think there's another page here.
14 So on page four of exhibit A-1, that 216 Second
15 Street building, I think that we can see, based on
16 the elevation that we have here, that there is
17 some nice compatibility in terms of aesthetic with
18 the existing four-story building that's right down
19 the street and what's being proposed. Both are
20 three residential floors over a level of parking,
21 which is exactly what we're proposing. So again,
22 nice compatibility there.

23 And just to give the planning rationale
24 for the C relief, again, we're only talking about
25 a 2 foot, 10 inch difference in height. I think

1 that from a planning standpoint, there's really
2 two purposes behind height controls. One of which
3 is intensity. Typically, if we see an application
4 for more height than what would be permitted, it's
5 typically related to additional density. That's
6 not the case here. It's not associated with any
7 increased density by adding another floor. And
8 another purpose would be to control the massing
9 and make sure that it's compatible with the
10 massing of other buildings in the area. Again,
11 we're only talking about 2 feet, 10 inches away
12 from being a compliant height. And I think that
13 there are several -- I know that there several
14 other four-story buildings in the area, especially
15 on Bergenline Avenue, a few blocks away, as well
16 as on our block. In fact, I counted 16 other
17 four-story buildings in the R zone within a
18 quarter mile from the site.

19 Again, there is a nice variety in this
20 area and the proposed building will actually not
21 compete with any of that variety. It will fit in
22 pretty nicely. Not to mention the fact that right
23 across Bergenline Avenue would be the RM zone, the
24 medium density residential zone. So we're right
25 across the street from where five-story buildings

1 are actually permitted, up to five stories are
2 permitted right across the street.

3 So just in terms of everything that's
4 around us in terms of what's permitted across the
5 street and in terms of what's actually on the
6 ground developed, there's very nice compatibility.

7 So I think that in terms of the C2
8 balancing tests, whereby the benefits of the
9 application as a whole outweigh any detriments, I
10 think that that test is certainly met. I think
11 that I just went through all the potential
12 detriments of that height variance.

13 In terms of the benefits I think these
14 come straight from the Municipal Land Use Law, the
15 purposes of zoning. Purpose A, promotion of the
16 general welfare. People that want to live in
17 Union City, we're providing them with a nice new
18 quality building that will be attractive in terms
19 of view of New York skyline with the rooftop deck,
20 which is a very nice amenity for people that want
21 to live here. Of course, new housing stock with
22 modern appliances and a comfortable living
23 environment.

24 Purpose M, efficient use of land with
25 parking on the inside the building, as opposed to

1 surface parking lot outside the building, which is
2 part of the reason that we're able to have such a
3 compliant lot coverage. Again, we could have, I
4 think, 15 percent more of the lot covered by
5 impervious surfaces. We're going up rather than
6 out.

7 Purpose I, desirable visual environment,
8 purpose G, variety of uses in appropriate
9 locations. Again, it's a permitted use. There's
10 a nice variety in the area that this will fit in
11 well with. Many other four-story buildings, we're
12 only two feet off from compliance from a height
13 standpoint. And proximity to that Washington
14 Park, I think, is an important factor here in
15 terms of good planning. Definitely seeks to add
16 more density and taller buildings around parks,
17 which allows for eyes on the street in terms of
18 safety.

19 So I think, all in all, as I said, the
20 C2 balancing test, it really comes into play here,
21 whereby all of the benefits as a -- all of the
22 benefits of the application as a whole outweigh
23 any potential detriments from that de minimus
24 height relief that's needed. And with that, I'll
25 close.

1 MR. ALONSO: Thank you.

2 CHAIRPERSON GRULLON: Thank you. Thank
3 you. I don't have any questions for the planner.
4 Do you have any questions? Thank you so much.

5 MR. MAROTTA: I'm sorry, Mr. Spatz, do
6 you have any questions?

7 MR. SPATZ: No, I don't have any
8 questions. He described the project and the
9 purposes of zoning as they relate to the
10 variances.

11 MR. MAROTTA: Okay. And no questions.

12 CHAIRPERSON GRULLON: I have a few
13 questions for your architect, if you can bring him
14 back.

15 MR. ALONSO: Sure.

16 CHAIRPERSON GRULLON: Could you explain
17 again the layout of the building, I mean the
18 apartments, because I know you have a floor 3, you
19 have a division, but you're going to have -- that
20 is split, two bedrooms for each of the apartments?

21 MR. CARAMIA: Correct.

22 CHAIRPERSON GRULLON: But I'm not clear
23 what is the entrance for each of the apartments,
24 could you explain that please?

25 MR. CARAMIA: Okay. The apartment, if

1 we look at the -- start with plan of the second
2 and fourth floor apartment, right? That plan
3 shows the stairs going up one way, right? And the
4 stairs going down the other way. In other words,
5 the up is from the second and the down is from the
6 fourth, right? So you don't have both conditions
7 on each apartment. You can only go --

8 CHAIRPERSON GRULLON: How will they go
9 to the fourth floor?

10 MR. CARAMIA: To the fourth floor --

11 CHAIRPERSON GRULLON: I mean to the
12 third.

13 MR. CARAMIA: To the third floor, you
14 will be on the fourth floor. So you'll be going
15 down, from the stairs closer to the front
16 stairs -- closer to the common stairs in the
17 front.

18 MR. MAROTTA: So the rear stairs are the
19 fourth floor?

20 MR. CARAMIA: No. Can I approach?

21 CHAIRPERSON GRULLON: Yes, please.

22 MR. CARAMIA: These stairs are common
23 stairs -- everybody uses these stairs. You need a
24 key to get into the apartments. These stairs only
25 exist within the apartments, okay.

1 MR. MAROTTA: Okay.

2 MR. CARAMIA: So when you're on the
3 fourth floor, you're going to go down this way to
4 go to the apartment in the front of the third
5 floor, right? And if you're on the second floor
6 you're going to up this way to go to the
7 apartments. So if I can grab your pencil? So
8 this is the third floor, a section, for instance.
9 We have the apartment on the fourth, the apartment
10 on the second. So two, three, four, and obviously
11 one.

12 So we have the stairs going like this,
13 right? And this -- so these stairs, I might have
14 it backwards. But if you're on the fourth floor,
15 you're coming down this way. And if you're on the
16 second floor, you're going up this way. So on the
17 second floor, this belongs to you. And on the
18 fourth floor, this belongs to you.

19 CHAIRPERSON GRULLON: Okay, right.

20 MR. CARAMIA: So basically two L-shaped
21 and sectioned apartments, you know. So we're
22 using half of the floor.

23 MR. MAROTTA: I'm going to ask you to
24 show it to the other board members, unless you had
25 more questions right now?

1 CHAIRPERSON GRULLON: Let's clarify that
2 first.

3 MR. CARAMIA: They're on the second,
4 third and fourth floors. So they go from the
5 fourth to the third and from the second to the
6 third as well. And this is a rough section of it.
7 You know, this is on the fourth floor, you would
8 be going down to the bedrooms in the front. And
9 if you're on the second floor, you would be going
10 up to the bedrooms in the rear of the third floor.

11 VICE CHAIRPERSON GUTIERREZ: So the
12 bedroom is in the same apartment or it's outside
13 the apartment?

14 MR. CARAMIA: No, the third floor is
15 split in half. And half of it belongs to the
16 apartment on the fourth and half of it belongs to
17 the apartment on the second.

18 MR. ALONSO: I think the questions was
19 are the stairs inside the apartment?

20 VICE CHAIRPERSON GUTIERREZ: It's inside
21 the apartment?

22 MR. CARAMIA: Those stairs are inside
23 the apartment. The stairs to the -- the stairs to
24 the bedrooms are in the apartment.

25 CHAIRPERSON GRULLON: So one more thing

1 here. On the ground floor, on the first floor
2 plan, you're showing the parking garage and also a
3 gym, storage area. And can you explain that that
4 area and what it's used for?

5 MR. CARAMIA: Well, we have some extra
6 room in the back that I don't need for the
7 parking, you know. So we want to perhaps have a
8 gym there. If it doesn't work out as a gym,
9 they'll use it for storage for everybody in the
10 building because it's accessed from a common
11 stairwell.

12 MR. MAROTTA: How much space is that?

13 MR. CARAMIA: It's not that big.

14 CHAIRPERSON GRULLON: By looking to park
15 here that may become --

16 MR. CARAMIA: It's about 20 feet.

17 MR. MAROTTA: How big is the space?

18 MR. CARAMIA: It's about 20 feet --
19 27 feet, if you include the bathroom that's there.

20 MR. MAROTTA: So there's a bathroom
21 there?

22 MR. CARAMIA: Yeah, yeah.

23 MR. MAROTTA: Who's that for use by?

24 MR. CARAMIA: Well, it's off of the --
25 there's a gym there, if we want a gym --

1 MR. MAROTTA: How much is the -- how big
2 is the space?

3 MR. CARAMIA: I'm going to say 27 by 20
4 minus -- so minus the stairs, I'm going to say
5 350 square feet, something like that.

6 MR. MAROTTA: Is that a sufficient size
7 for a studio apartment?

8 MR. CARAMIA: It would be, yeah.

9 MR. MAROTTA: It would be.

10 MR. CARAMIA: I'm not going to say it's
11 not. You know, your desk might be sufficient
12 space.

13 MR. MAROTTA: Again -- I'm sorry, maybe
14 I have to recall your planner. The parking
15 requirement, do you have that?

16 MR. CARAMIA: I don't have it here.

17 MR. ALONSO: Sure, Matt? Matt, what is
18 the parking requirement for two-family house?

19 MR. FLYNN: Two parking spaces with --
20 it depends on the bedrooms. So with three
21 bedrooms, it's two parking spaces.

22 MR. ALONSO: Per?

23 MR. FLYNN: Per unit.

24 MR. MAROTTA: Per unit. So four?

25 MR. FLYNN: So four is required.

1 MR. MAROTTA: Is that correct?

2 MR. SPATZ: That is correct.

3 MR. MAROTTA: Thank you, not that I
4 didn't trust you. I will ask the question though,
5 are you familiar with the fact that the City has
6 recently amended its ordinance to go from -- to
7 permit three-story properties?

8 MR. FLYNN: I am.

9 MR. MAROTTA: And yet this is a
10 four-story property, correct?

11 MR. FLYNN: Correct.

12 MR. MAROTTA: Would you say that in
13 light of the recent amendment to the zoning
14 ordinance that the intent of the City is to have
15 three-story properties?

16 MR. FLYNN: So as -- I think my
17 testimony addressed it. I think that the planning
18 purpose behind height controls really is massing
19 and intensity. In terms of massing, your
20 ordinance allows for a 40-foot high building, so
21 in terms of sheer massing and size, we're just shy
22 of -- we're just over that 40-foot.

23 MR. MAROTTA: Actually it permits 38
24 feet.

25 MR. FLYNN: I'm sorry, that make sense.

1 It permits 38, we're at 40 foot, 10, so we're just
2 shy of meeting that requirement. So I think from
3 a massing standpoint, the purpose there is met.

4 From an intensity standpoint, I think
5 it's also met by virtue of it being a permitted
6 use and having substantial compliance with all of
7 the other zoning controls, I think it is also
8 works in that favor as well.

9 MR. MAROTTA: I guess I'm going to ask
10 for the architect again, I'm sorry.

11 MR. ALONSO: Just to respond, I think
12 the intent of that ordinance was to reduce the
13 density, so to go from three families to two
14 families, because three families have been
15 prohibited now. And two families are permitted
16 and the height is permitted. So you can do a
17 two-family within that height.

18 MR. MAROTTA: Within 38 feet, correct.

19 MR. ALONSO: So it's not that it's been
20 reduced to a three-story building, I think the
21 intent was to reduce it to two-family. Typically,
22 you have flats and which is a two-story building.

23 MR. MAROTTA: Sure. How would -- would
24 it be possible to make that third floor into an
25 apartment, architecturally?

1 MR. CARAMIA: You mean after its built?

2 MR. MAROTTA: Yeah.

3 MR. CARAMIA: Well, not without some
4 major modifications.

5 MR. MAROTTA: How so?

6 MR. CARAMIA: Well, used have to provide
7 a kitchen, obviously. There's a bathroom
8 available in the front and the rear, but you'd
9 have to knock down some walls, yeah.

10 MR. MAROTTA: Primarily a kitchen?

11 MR. CARAMIA: I don't think it's
12 something one would do in the middle of the night,
13 you know.

14 MR. MAROTTA: Do you work a lot in Union
15 City?

16 MR. CARAMIA: Yeah, a little bit.

17 MR. MAROTTA: Okay, all right. I have
18 nothing further.

19 CHAIRPERSON GRULLON: You didn't mention
20 anything about safety for the building. Do you
21 have any testimony to provide us with safety, like
22 you going have to sprinklers?

23 MR. CARAMIA: Well, I did indicate --
24 it's a two-family and it doesn't require a
25 sprinkler system. But I did indicate, for

1 instance, we have the parapet on the roof that's
2 more than high enough for safety reasons. We have
3 two means of egress from the apartments, which is
4 not a requirement typically for two-family house,
5 you know. We also have that additional means of
6 egress from the bedroom floor, which is not
7 required typically in a duplex apartment. In a
8 duplex apartment, you're allowed to run out of
9 your bedroom, go through your living room to get
10 out. Here, we can go right into the stairwell
11 from, you know, that bedroom floor, you know, to
12 get into a fire rated stairwell.

13 So those are -- I mean obviously, we're
14 going to comply with what the building code
15 requires. But I think we have provided some
16 additional amenities or, you know, life safety
17 provisions.

18 CHAIRPERSON GRULLON: Thank you, Mr.
19 Caramia. Any members of the board have any
20 questions?

21 MR. ORTIZ: What was the size of the
22 bedrooms again?

23 MR. CARAMIA: The bedroom sizes? Well,
24 they do vary. So the primary bedroom, which is on
25 the second floor and the fourth floor is 12 feet

1 deep by the width of the building, minus the wall
2 thicknesses, which is about 17 and a half feet,
3 that's the primary bedroom. And then we have two
4 additional bedrooms per apartment, which we shoot
5 for an 11-by-11 as, you know, kind of a standard.
6 And we have something close to that -- yeah, we
7 have that for the two bedrooms in the rear, we
8 have that. And the front bedroom on the third
9 floor, which belongs to the lower level unit, is a
10 little wider. That bedroom is 10 feet deep by the
11 17 feet wide. So that one is a little more
12 spacious

13 MR. ORTIZ: Thank you.

14 CHAIRPERSON GRULLON: Do you have
15 another witness, Mr. Alonso?

16 MR. ALONSO: No, Mr. Chairman, that
17 concludes our presentation.

18 CHAIRPERSON GRULLON: If any member of
19 the public wants to step forward this application?

20 Seeing none.

21 I'm going to make some recommendation,
22 we'll make a decision from there. On the ground
23 floor, that gym storage area, maybe you can give a
24 little more space to the garage? I want you to
25 remove the bathroom from there. There are only

1 two units, if they're going to be using as an
2 amenity, they don't need to have a bathroom on the
3 ground floor. They could easily go to the
4 apartment to take a shower, do whatever they need
5 to do. Just like to give you a recommendation to
6 remove that.

7 Also if we approve this application, I
8 would like to get revised plans where you lay
9 out -- you're going to have to insert another
10 layer, just to give me apartment L, showing me
11 apartment L, the lower level, and the upper level.
12 It's kind of confusing right now. And the
13 direction of the stairs --

14 MR. CARAMIA: Um-hum.

15 CHAIRPERSON GRULLON: -- how they're
16 going.

17 MR. CARAMIA: We could give you maybe
18 like a 3D, so you could actually see it a little
19 better, too, because I understand, I understand.
20 It is tricky.

21 CHAIRPERSON GRULLON: Another thing is
22 that is there any way to bring down the one and a
23 half feet high that you have over? You're not
24 asking for a lot, but we want to be on the 38 feet
25 high, we don't want to see too high.

1 MR. CARAMIA: I stepped on it a few
2 times to get it down.

3 CHAIRPERSON GRULLON: Let's kick it a
4 little bit.

5 MR. ALONSO: If those are
6 recommendations, I'm going to ask if we could have
7 a two minute break?

8 CHAIRPERSON GRULLON: Right

9 MR. MAROTTA: Absolutely.

10 MR. VALLEJO: Off the record, 7:34.

11

12 (Whereupon a short recess was taken.)

13

14 CHAIRPERSON GRULLON: Let's carry the
15 application. For the record, I'm still confused
16 with the layout.

17 MR. ALONSO: Understood, understood.
18 And we did indicate to the board that we would
19 provide you with the proper drawings to clarify
20 that.

21 MR. MAROTTA: Thank you.

22 MR. ALONSO: With respect to the
23 recommendations on the ground floor, we're
24 proposing on the plans a full bathroom and we'll
25 agree to eliminate the full bathroom. We're just

1 going to ask for a half bathroom, if you're in the
2 backyard cooking, you know barbecuing and you're
3 on the top floor, you don't want to have to run
4 upstairs to go to the bathroom, it's just a
5 convenience. So we're going to ask it be
6 converted from a full bathroom to half bathroom.
7 And we do agree to move the wall to give some of
8 that space to the garage, which would alleviate
9 the board's concerns about a possible illegal unit
10 there.

11 With respect to the height, at this
12 point, there's really nothing we can do, only
13 because in talking to the architect, we have
14 structural issues. You need certain heights, you
15 need certain beam sizes for ventilation and duct
16 work to go in between the floors. So we're only
17 at -- we originally were at --

18 MR. CARAMIA: We took it down two and a
19 half --

20 MR. ALONSO: We would be coming down
21 5 feet from the original plan. So we're down --
22 we eliminated the D6, we're down to a C variance
23 for two feet. So we hope the board takes
24 consideration over all the -- from the prior
25 application, all the other recommendations that

1 were accepted by my client and incorporated into
2 the revised plans.

3 CHAIRPERSON GRULLON: Okay. I mean we
4 appreciate that you bring the application down to
5 two-family, but it's still a fourth floor. See
6 what you can do about the height again. We're
7 going to carry this over for revised plan and we
8 make a decision in the next board meeting.

9 MR. MAROTTA: Consent to extend the time
10 period for the board to act?

11 MR. ALONSO: Yes.

12 MR. MAROTTA: That would be --

13 MR. VALLEJO: April 14th is the next
14 meeting.

15 MR. MAROTTA: If we can have it
16 March 30th, Al, if that's okay?

17 MR. ALONSO: Sure. The hearing is
18 April 14th.

19 MR. MAROTTA: Yes.

20 MR. VALLEJO: Can I have a motion to
21 adjourn this application for April 14th?

22 CHAIRPERSON GRULLON: Motion to carry.

23 MR. VALLEJO: Motion by Mr. Grullon.

24 VICE CHAIRPERSON GUTIERREZ: Second.

25 MR. VALLEJO: Second by Ms. Gutierrez.

1 Roll call on the motion to adjourn this
2 application, no new notice required. Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Pena.

9 MS. PENA: Yes.

10 MR. VALLEJO: Ms. Watley.

11 MS. WATLEY: Yes

12 MR. VALLEJO: Five in favor, motion
13 carries.

14 MR. ALONSO: Thank you.

15 MR. CARAMIA: Thank you.

16 MR. VALLEJO: Make sure to send to me
17 the revised plans no less than 10 days before the
18 next hearing date, please.

19

20

* * * *

21

22

23

24

25

1 **KW NJ Holdings, LLC -**
2 **610 25th Street:**

3
4 MR. VALLEJO: We're going move to number
5 3, KW NJ Holdings, LLC, 610 25th Street, Ms.
6 Pereiras, please.

7 MS. PEREIRAS: This is my oldest. Can
8 you pass them the paperwork? Good evening,
9 counsel, Mr. Chairman, members of the board. May
10 it please the board, Bianca Pereiras on behalf of
11 the applicant for property location at 610 25th
12 Street, also known as Block 143, Lot 19.

13 I previously submitted my jurisdiction
14 and notice to counsel.

15 MR. MAROTTA: Yes. I'm focusing on more
16 important things in life. Yes. And I find
17 jurisdiction and notice were in compliance.

18 MS. PEREIRAS: Thank you very much. We
19 had originally submitted an application to this
20 board to construct a new three-family on a vacant
21 lot, following the modifications to the master
22 plan, we have a modified application to construct
23 a new two-family home. Our lot is somewhat
24 smaller than the 25-by-100 lot in Union City. So
25 we did trigger some variances and, therefore,

1 jurisdiction is before this board. We have one
2 expert to testify, our architect, Mr. Manny
3 Pereiras.

4

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

7

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

11 MS. PEREIRAS: And Mr. Pereiras has
12 testified before the board in the past --

13 CHAIRPERSON GRULLON: Yes.

14 MS. PEREIRAS: Thank you.

15 CHAIRPERSON GRULLON: We accept his
16 qualifications.

17 MS. PEREIRAS: Mr. Pereiras, are you
18 familiar with the property at 610 25th Street?

19 MR. PEREIRAS: Yes.

20 MS. PEREIRAS: Did you prepare the
21 drawings that are before the board?

22 MR. PEREIRAS: I did.

23 MS. PEREIRAS: Would you kindly describe
24 the project for the board?

25 MR. PEREIRAS: I'll be very happy to.

1 For purposes of the record, the drawings on the
2 easel to my right are the revised drawings, making
3 this a two-family, the same drawings that have
4 been presented to the board 10 days in advance to
5 this hearing date.

6 First and foremost, let me talk a little
7 bit about the site. We're at 610 25th Street on
8 the north side of the street. If you look at this
9 lot, it's a lot that had kind of like a scrap
10 metal yard in the back. So if you look at it,
11 it's in -- it looks horrible. There's a shed with
12 literally scrap metal, full of it. This
13 application would be removing all of that.

14 Of course, if you look at the site and
15 you look at the west, there's a tall four-story
16 multifamily building that's all brick. You can
17 see on the photograph how tall it is to the left.
18 If you look to the right -- and by the way, that
19 building on the left is set back quite a few feet,
20 there's a driveway there. So there's some
21 distance to our property line.

22 And if you look at the right, there is a
23 rear yard and there is another building,
24 multifamily, mixed bodega on the ground floor in
25 the corner, families above, it's three stories for

1 most of it. And I think there's a small portion
2 that's four stories, so we're in between these
3 larger structures.

4 And our site is odd, as you can see the
5 front of the site is very wide, it's 28.52 feet
6 wide, but the rear of the site is only 18.71, so
7 we had to come up with a design that's a little
8 bit unusual, not the traditional two-family house
9 to make this really work and to make the parking
10 work.

11 So I want to walk through the variances
12 that we're requesting. The first and foremost, we
13 have a preexisting nonconformity for site area,
14 2,500 is the minimum, right, but because we have
15 this odd shaped site, we're only at 2,362 square
16 feet. So we're slightly smaller than an
17 acceptable lot in Union City. The depth is okay,
18 we're at 100 feet. The width is okay because
19 we're over 28 feet in the front, though it does
20 taper down to 18.71 in the rear.

21 Our front yard is at two feet and we
22 have that proposal because it's the prevailing
23 setback. The buildings on both sides are at zero,
24 the reason I went two feet back is because I
25 wanted to introduce a little bit of landscaping,

1 you know, it's not much but I think it adds a lot
2 of flavor and a lot of beauty to the neighborhood.
3 That's why I think it was important to push those
4 two feet back and we did that here. But no
5 variance is requested there because it is
6 prevailing.

7 The rear yard, we have 20 feet, which is
8 in compliance with the zone. The side yards, we
9 are asking for variances on both sides yards,
10 however we're being more compliant on the floors
11 above and I'm going to walk you through that on
12 the floor plan. We're asking for zero setbacks on
13 both sides on the ground floor and that's strictly
14 because parking is important. And we want parking
15 and it doesn't affect any neighbor because we have
16 a driveway to our left for a big multifamily
17 building and a rear yard that's used as a driveway
18 on the right for another multifamily building. So
19 putting our building on the property line doesn't
20 affect anyone. And then when we go up, you'll see
21 how the building angle gets smaller and has a
22 setback along the top.

23 The building height, we're 100 percent
24 in compliance. We're permitted to have three
25 stories and what we did is a three-story building,

1 no mezzanines, no duplexes, we have a three-story
2 building. The building height permitted is 38
3 feet, our building calculation, we're at 31. So
4 we're completely in compliance there. And if you
5 want to measure to the highest point, we're at 35
6 foot, 6. Just to be completely safe, even the
7 highest point of our building is within compliance
8 of our ordinance.

9 The building coverage, 65 percent is
10 permitted, we were at 77.4, and that's because the
11 site is undersized and it has this odd
12 configuration. We're requesting a variance for
13 that today. The building coverage -- actually
14 that was building. The maximum lot coverage is
15 permitted to be up to 90 percent and since we're
16 creating such a big rear yard, that's all going to
17 be grass area, except for providing landscaping in
18 the front, we're only at 82.2, so that's
19 significantly better than what the ordinance
20 requests. So there's no variance for maximum lot
21 coverage.

22 And then off street parking, we're
23 required four parking spaces, we have two
24 three-bedroom units, two parking spaces for each,
25 four required. We're providing four in the

1 traditional tandem layout that we always have here
2 in Union City.

3 If you look at our site plan, we have a
4 driveway curb cut of 12 feet wide in compliance
5 with the ordinance, landscaping on both sides of
6 it. And then we have a paved area that leads to
7 steps to get inside the building.

8 Turning now to sheet Z02, we see the
9 different floor plans of the building and the
10 roof. In the floor plans, we can see we have that
11 driveway entrance and we fit four cars
12 comfortably. We're at the zero setback on the
13 side yards and plenty of room to maneuver. We
14 have room for garbage and recycling along the
15 front special closets we're sealing so the smells
16 get trapped inside the closet. And we have our
17 hot water heaters and our water meters located at
18 that point. No bathrooms, no stray future studio
19 apartments. It's clear it's parking, the way we
20 like it here in Union City, and those steps.

21 MR. MAROTTA: Tell Al.

22 MR. PEREIRAS: Two separate entrances,
23 one for each apartment. That's what we're
24 creating here. When you don't have that, it's a
25 different structure, it's called an R-3, it

1 changes it from a building code perspective a lot.
2 So we have that landing and you can choose which
3 direction, apartment number one or apartment
4 number two. Apartment number two takes you up to
5 the floor above.

6 Apartment number one, you're on this
7 floor and everything is on the same floor. You
8 open into a wide open modern floor plan that you
9 enter into the kitchen area. So you could go
10 right in, put your groceries there. And then if
11 you look in this direction, you have your living
12 room and dining room with nice large windows and
13 it's all open, one space. Then from this point
14 back, you have the bedrooms, more private area of
15 the apartment. You have bedroom number one and
16 bedroom number two for the kids. Then in the
17 back, you have a master bedroom, a walk-in closet,
18 and a master bath. The kids share a bathroom,
19 which is located right here. We're calling it
20 hall bath. We have a coat closet, we have washer
21 and dryers and it's pretty straightforward.

22 You go to the floor above, you come out
23 at this point right here and you turn, you have
24 the open layout the way I described it below. And
25 very similarly you have the three bedrooms in the

1 back with the master being the last one.

2 The roof has a 42-inch parapet. And let
3 me turn now to the facade. As you know, I try to
4 make the majority of my facades majority brick.
5 And that's what we have here, a brick, a very
6 simple beautiful corner along the top, a trim that
7 accentuates the windows and the garage door. So
8 it's all in proportion, very large windows with
9 the transom above, some stucco which is a hard
10 roman stucco and vinyl siding along the back as
11 you turn the building. The sides are vinyl
12 siding, as permitted with the code, and --
13 however, the portion in the front facade by the
14 stairs wraps the brick around so we have brick at
15 the entire entry. As you're walking up the
16 stairs, when you look to your right, it's all nice
17 brick with windows there as well.

18 We included some photographs on the last
19 sheet so we have a good context of the
20 neighborhood. We could see from satellite
21 pictures of the neighborhood, so you could
22 understand. These are the tall buildings that I
23 talked about, so our building really fits really
24 well within a nook within the space.

25 The safety standards for a two-family,

1 three-story house is very different from a
2 three-family house or a four-story building. If
3 this was a four-story building, it would have to
4 be sprinklered. As a two-family house, it's very
5 different. You have a lot less intensity.
6 There's a lot of safety codes that go into this.
7 There are fire separations between the two
8 apartments, the exteriors are fire walls that are
9 one hour rated. There is an alarm system that
10 goes into the system in here that's interconnected
11 alarms. So there's a great deal of fire safety in
12 the building today as opposed to a building built
13 20 years ago. That concludes my testimony and I'm
14 open for your questions.

15 CHAIRPERSON GRULLON: Thank you, Mr.
16 Pereiras. This is your only witness?

17 MS. PEREIRAS: Yes, it is.

18 MR. PEREIRAS: We're here before this
19 board and not the planning board because
20 two-family houses are site plan exempt. So you
21 have the jurisdiction.

22 CHAIRPERSON GRULLON: Just going again
23 over the variances that you're requesting.
24 There's three because of the irregular lot?

25 MR. PEREIRAS: Pretty much every single

1 variance is a direct result of the irregular lot.
2 We have preexisting nonconformity for lot area and
3 lot width. And lot width, I'm being cautious in
4 requesting that because of the front of the lot is
5 28.52 feet. I'm being cautious because the rear
6 is only 18.71 feet. And then in order to get the
7 parking to work, we need to do have zero side yard
8 setbacks. And that's a direct result of the
9 irregular lot.

10 And again one more, it was the building
11 coverage, 65 permitted, we're at 77.4. That's
12 again because of the irregular lot. The square
13 footage that we loose because the irregularity
14 triggers that percentage.

15 CHAIRPERSON GRULLON: Could you describe
16 what you have on the east and the west of the
17 property?

18 MR. PEREIRAS: So on the west of the
19 property, you have a brick multifamily building,
20 that's four stories in height. You could see this
21 in the photograph here and it is setback
22 significantly. There's a driveway between the two
23 properties.

24 CHAIRPERSON GRULLON: I was going --

25 MR. PEREIRAS: I understand. On the

1 right, you have mixed use building, goes all the
2 way to the corner. The building is facing the
3 corner and actually was an application that came
4 before this board maybe like four months ago where
5 we took the commercial spaces on the ground floor
6 and made it residential. So there's still going
7 to be a bodega on the corner, two apartments on
8 the ground floor to the right of the bodega. And
9 then there are apartments above. And it's three
10 stories in front and I think there's a portion of
11 the building that's four stories, but don't take
12 my word for it. Consider it just three stories.
13 Let me see if I have a picture.

14 CHAIRPERSON GRULLON: Is that on the
15 property line?

16 MR. PEREIRAS: It is not on the property
17 line, it's set back significantly. If you see
18 here, the boat is actually on their property. So
19 there's a significant setback between our building
20 and them. Therefore, our side yard setback
21 variance that we're requesting is not affecting
22 them whatsoever. And as you can see, they were
23 definitely notified and they did not appear.

24 CHAIRPERSON GRULLON: You know, my
25 question is in case of a fire, that you will

1 easily have access to the back of the buildings.

2 MR. PEREIRAS: There's easy access, the
3 building's not going to be changed any time soon.
4 They have a significant amount of value, the
5 multifamily brick is going to stay there forever.
6 You have a driveway there, there's access through
7 it, no problem.

8 CHAIRPERSON GRULLON: If they get
9 demolished, they would come up with a two-family
10 house.

11 MR. PEREIRAS: That's exactly correct.

12 MR. MAROTTA: But they will be required
13 to have a setback.

14 CHAIRPERSON GRULLON: I don't have
15 anymore questions, do you have any questions? Do
16 you have any questions?

17 MR. MAROTTA: Do you have any questions?

18 MS. N. PEREIRAS: No.

19 CHAIRPERSON GRULLON: I wanted to open
20 to the public, open to the public, if there's
21 somebody. Anybody from the public want to step
22 forward on this application? Hearing none.

23 You know, first, I want to thank Mr.
24 Pereiras and Ms. Pereiras for getting your clients
25 to put, you know, the pen on the heart of the

1 City, that's the kind of application that we want
2 to see, you know, the redevelopers in the City to
3 come up to compliance with the new ordinance. And
4 we appreciate that you guys are coming in front of
5 us with a two-family, three floor, and minimal
6 requirement for variance, you know. Again, thank
7 you for listening to us. And I make a motion to
8 grant this application.

9 MR. VALLEJO: Motion on the table to
10 grant this application by Mr. Gullon.

11 VICE CHAIRPERSON GUTIERREZ: Second.

12 MR. VALLEJO: Seconded by Ms. Gutierrez.

13 Roll call on the motion to grant the
14 application. Mr. Gullon.

15 CHAIRPERSON GRULLON: Yes.

16 MR. VALLEJO: Ms. Gutierrez.

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 MR. VALLEJO: Mr. Ortiz.

19 MR. ORTIZ: Yes.

20 MR. VALLEJO: Ms. Pena.

21 MS. PENA: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. Watley.

25 MS. WATLEY: Yes.

1 MR. VALLEJO: Six in favor, motion
2 carries. Thank you.

3 MS. PEREIRAS: Thank you all very much.

4 MR. PEREIRAS: Thank you, everyone.

5 MR. MAROTTA: I just want to say I do
6 like the layout and the plan, it's nice.

7 MR. PEREIRAS: Thank you very much.

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1 **ADOPTION OF RESOLUTIONS:**

2
3 (1.) Oz Holdings, LLC. 4313-4315 Bergenline Ave.
4 Construct a new three family residence. Applicant
5 is requesting an extension of the prior approvals.
6 The resolution was memorialized on 02-16-2017.

7 **Denied**

8
9 MR. VALLEJO: We're going to move to
10 resolutions.

11 The first: Oz Holdings, LLC, 4313-4315
12 Bergenline Avenue. This application was denied
13 the extension at the previous meeting. Can I have
14 a motion to adopt the resolution?

15 CHAIRPERSON GRULLON: Motion to adopt
16 the resolution.

17 MR. VALLEJO: Motion by Mr. Grullon.

18 VICE CHAIRPERSON GUTIERREZ: Second.

19 MR. VALLEJO: Second by Ms. Gutierrez.
20 Roll call on the motion to adopt this resolution.
21 Mr. Grullon.

22 CHAIRPERSON GRULLON: Yes.

23 MR. GRULLON: Ms. Gutierrez.

24 VICE CHAIRPERSON GUTIERREZ: Yes.

25 MR. GRULLON: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: Yes.

4 MR. VALLEJO: Ms. Perez.

5 MS. PEREZ: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

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

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1 **ADOPTION OF RESOLUTIONS:**

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3 (2.) Tower Management Service, LP. 500 Central
4 Avenue. Lot: 1.01, Block: 22. Applicant seeks to
5 reconfigure parking lot & maximize space and add
6 parking spots for use of adjacent residential
7 building. Applicant is requesting an extension of
8 the prior approvals. The resolution was
9 memorialized on 02-13-2020. **Approved**

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11 MR. VALLEJO: Number two. Tower
12 Management Services, LP, 500 Central Avenue. This
13 application was approved at the previous meeting.
14 Can I have a motion to adopt this resolution.

15 CHAIRPERSON GRULLON: Motion.

16 MR. VALLEJO: Motion by Mr. Grullon.

17 VICE CHAIRPERSON GUTIERREZ: Second.

18 MR. VALLEJO: Second by Ms. Gutierrez.

19 Roll call on the motion. Mr. Grullon.

20 CHAIRPERSON GRULLON: Yes.

21 MR. VALLEJO: Ms. Gutierrez.

22 VICE CHAIRPERSON GUTIERREZ: Yes.

23 MR. VALLEJO: Mr. Ortiz.

24 MR. ORTIZ: Yes.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

6 MR. VALLEJO: Six in favor, motion
7 carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (3.) 1210 Bergenline Avenue, LLC. 1210 Bergenline
4 Avenue. Block 61/02. Lot 21. Applicant proposes
5 the legalization of 2 apartments, going from 6
6 residential units to 8. Approved

7
8 MR. VALLEJO: Resolution number three,
9 1210 Bergenline Avenue, LLC, 1210 Bergenline
10 Avenue. This was approved at the previous
11 meeting. Can I have a motion to adopt this
12 resolution?

13 CHAIRPERSON GRULLON: Motion.

14 MR. VALLEJO: Motion by Mr. Grullon.

15 VICE CHAIRPERSON GUTIERREZ: Second.

16 MR. VALLEJO: Second by Ms. Gutierrez.

17 Roll call on the motion. Mr. Grullon.

18 CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 MR. VALLEJO: Mr. Ortiz.

22 MR. ORTIZ: Yes.

23 MR. VALLEJO: Ms. Pena.

24 MS. PENA: Yes.

25 MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Ms. Watley.

3 MS. WATLEY: Yes.

4 MR. VALLEJO: Six in favor, motion
5 carries.

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ADJOURNMENT :

MR. VALLEJO: There being no other applications on tonight, can I have a motion?

MR. ORTIZ: Motion.

MR. VALLEJO: Motion by Mr. Ortiz.

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. Let the record indicate the meeting has ended, thank you.
Good night, everyone.

(Whereupon the meeting was adjourned at 8:10 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