

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, April 14, 2022
Commencing at 6:12 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
JOHN MEDINA
GERALDINE PEREZ, Alternate #2
RAYMOND CETINICH, Alternate #3 (arrived 6:20)
MINDRY WATLEY, Alternate #4

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

LIBERO MAROTTA
ROSIO PENA

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

TOMAS PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

M. McKINLEY MERTZ, PP,
Consulting City Planner

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Associates, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Kevin Fernandez

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Lilian, Leon &
Alberto Santana

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Attorney for Applicant, 815 13th Street, LLC

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SSA Development II, LLC
202 Bergenline Avenue

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IGNATIUS CARAMIA

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4116-4120 Bergenline Avenue

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Kevin Fernandez
201 New York Avenue

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Lilian Leon & Alberto Santana
311 45th Street

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

3 Please take notice that on Thursday,
4 April 14, 2022, at 6:00 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. Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Here.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Here.

MR. VALLEJO: Ms. Pena is absent. Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Mr. Cetinich is absent. Ms. Watley.

MS. WATLEY: Here.

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

* * * *

ADOPTION OF MINUTES:

Regular meeting held on March 10, 2022

MR. VALLEJO: Let's go to the approval
of previous meeting minutes of March 10, 2022.
Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Seconded 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: Abstain.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Five in favor, one
abstained, motion carries.

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

3
4 MR. VALLEJO: Moving to the first
5 hearing on tonight's agenda, SSA Development II,
6 LLC, 202 Bergenline Avenue. Mr. Alonso, please.

7 MR. ALONSO: Good evening, Mr. Chairman,
8 members of the board, for the record, Al Alonso on
9 behalf of the applicant. This is a continuation
10 of a hearing that -- I think we had two hearings
11 already on this. This is our third hearing.

12 MR. VALLEJO: Mr. Paneque, Ms. Perez has
13 to abstain from this application.

14 MR. PANEQUE: Let the record show that
15 Ms. Perez has abstained from hearing the
16 application.

17 Mr. Alonso, you have five members left.

18 MR. ALONSO: That's fine.

19 MR. PANEQUE: That's fine to proceed
20 with your application?

21 MR. ALONSO: Yes.

22 And we had some minor revisions that the
23 board had requested. So I'll have the architect
24 sworn in testify as to that.

25

1 I G N A T I U S C A R A M I A, after having
2 been duly sworn or affirmed, did testify as
3 follows:

4
5 THE WITNESS: Ignatius Caramia,
6 I-G-N-A-T-I-U-S, C-A-R-A-M-I-A, architect, Icon
7 Architects.

8 MR. ALONSO: Okay. I'm just going to
9 ask you just a few minor revisions were requested,
10 I'm just going to ask you to review those with the
11 board?

12 MR. CARAMIA: Well, they are minor
13 revisions. However, perhaps not. We did bring
14 the height of the building down by about two feet,
15 we took seven inches off of each floor to make
16 that happen. So now the height of the building to
17 the roof structure is 37-11. So we are under the
18 38 foot threshold. I can go over the revisions
19 that were made on the plans. In addition to that,
20 the garage has been made deeper in order to make
21 the room in the rear, the gym/game room in the
22 rear a little smaller. That bathroom in the rear
23 has also been made a powder room or toilet rather
24 than a bathroom. So there's no tub, there's no
25 shower back there. And the room does open up to

1 the rear yard completely with a glass wall, nano
2 wall type system. We also provided a floor plan.

3 MR. ALONSO: That was the extent of
4 revisions requested by the board?

5 MR. CARAMIA: Yeah. There was a request
6 for some clarification on how these duplexes work.
7 We had a typical floor plan, which showed both the
8 second and fourth as one. We separated them out
9 and we color coded them so that you can tell which
10 unit is which at the third floor level, because
11 the third floor level is shared by the upper
12 duplex as we call it and the lower duplex.

13 And we provided a quote/unquote duplex
14 diagram on the left side of the drawing, if you'll
15 notice, that I think helps illustrate it even a
16 little further how these two duplexes kind of
17 intertwine.

18 MR. ALONSO: Mr. Chairman, that's the
19 extent of the revisions. And I hope that the
20 color coded plans clarify some of the questions
21 that the board had. If the board has any
22 questions, we're here to answer them at this time.

23 CHAIRPERSON GRULLON: No, I appreciate
24 that you listened to our requests. And Mr.
25 Caramia did a good job, you know, color coding the

1 layout of the two apartments. I appreciate that.
2 The only thing is that just going back to the
3 building itself, Mr. Alonso. This is an irregular
4 lot, it's not -- it doesn't have the 2,500 square
5 footage, it's one of the smallest lots on the
6 block. But, again, we want to have the biggest
7 structure of the block, even though the height is
8 permitted.

9 Right now, I'm okay with the duplex
10 layout that you have. The only concern that I
11 have and I'm -- by looking at the surrounding
12 area, I don't agree with the roof deck that you
13 have on the upper floor. You can bring this --
14 just remove that, I don't have any problem with
15 the application. But if you want to proceed with
16 that, then, you know, just let me know how you
17 want to handle. But the roof deck would bring it
18 to be the highest building in the area, even
19 though it's permitted, on the smallest lot of the
20 area. It's not conforming with the area.

21 MR. ALONSO: I understand that. In
22 terms of conformity, the only variances that we
23 need are for the lot width and the lot area. The
24 lot depth could think for the own two variances
25 are because of the size of the lot, even with

1 that, we comply with the building coverage, front
2 yard setback, side yard setback, height, all the
3 bulk requirements conform.

4 CHAIRPERSON GRULLON: I visited the area
5 and you are in the middle of three properties.
6 And by having that roof deck, you're going to be
7 overseeing those properties, I would not, you
8 know, proceed with this application with the roof
9 deck. You want to take a moment to discuss with
10 your client? If not, we're going to call a vote
11 now.

12 MR. ALONSO: Let me have two seconds.

13 MR. PANEQUE: Off the record.

14

15 (Discussion held off the record.)

16

17 MR. PANEQUE: Back on the record.

18 MR. ALONSO: Mr. Chairman.

19 MR. VALLEJO: Mr. Alonso, let the record
20 reflect that Mr. Cetinich joined the meeting at
21 6:20 p.m.

22 CHAIRPERSON GRULLON: Go ahead, Mr.
23 Alonso.

24 MR. ALONSO: Thank you. I reviewed the
25 matter with my client, and the architect and our

1 planner -- our planner is also here to testify, he
2 didn't testify the last time, if you have further
3 questions with him and we will remove the deck.

4 CHAIRPERSON GRULLON: Thank you, I
5 appreciate that.

6 MR. ALONSO: So the only variances we
7 need are for the existing lot size, which the lot
8 area and the lot width. Everything else conforms.

9 CHAIRPERSON GRULLON: Maybe you can go
10 back to those two inches on each floor just to
11 make up the ceiling height.

12 MR. ALONSO: Okay.

13 So we have right now -- I believe the
14 height permitted height is 40 feet.

15 MR. CARAMIA: 38.

16 CHAIRPERSON GRULLON: 38, but no roof
17 deck.

18 MR. ALONSO: Right.

19 MR. CARAMIA: Right.

20 CHAIRPERSON GRULLON: The other thing is
21 this will be a condition to stay as two-family,
22 it's going to be a two-family?

23 MR. ALONSO: Correct, there's no other
24 way to try to --

25 CHAIRPERSON GRULLON: We're just going

1 to make that as a condition to be on the deed of
2 the property, that it will be as a two-family
3 always.

4 MR. ALONSO: Okay.

5 CHAIRPERSON GRULLON: I don't have any
6 other questions. Do you have any questions? Mr.
7 Cetinich?

8 At this point, I want to open it to the
9 public. Do you have any other witnesses?

10 MR. ALONSO: I have no further
11 witnesses.

12 CHAIRPERSON GRULLON: At this point, I
13 want to open this to the public. Anyone from the
14 public want to step forward on this application?
15 Hearing none, close to the public.

16 I appreciate that you heard the concerns
17 of the board and I'll make a motion to approve the
18 application with the condition of revised plans,
19 no roof deck, and also to state on the deed of the
20 property to be a two-family.

21 VICE CHAIRPERSON GUTIERREZ: I'll second
22 it.

23 MR. VALLEJO: Motion on the table to
24 approve this application with the revised plans
25 and with the condition by Mr. Grullon, seconded by

1 Ms. Gutierrez. Roll call on the motion. Mr.
2 Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes, with
6 all the conditions.

7 MR. VALLEJO: Mr. Garcia.

8 MR. GARCIA: Yes.

9 MR. VALLEJO: Mr. Ortiz.

10 MR. ORTIZ: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

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

15 MR. ALONSO: Thank you very much.

16 MR. VALLEJO: Mr. Alonso, revised plans
17 at least 10 days before the next --

18 MR. ALONSO: Yes.

19

20

* * * *

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1 **Juliana Flores -**

2 **4116-4120 Bergenline Avenue:**

3
4 MR. VALLEJO: All right. Next
5 application on tonight's agenda, Juliana Flores,
6 4116-4120 Bergenline Avenue. Mr. Alonso, please.

7 MR. ALONSO: Thank you. Mr. Chairman,
8 members of the board, for the record, Al Alonso on
9 behalf of the applicant. This too is a
10 continuation. At the last hearing, the board
11 requested two things. One, that we provide
12 planning testimony and we have Mr. McDonough here,
13 but the board also requested confirmation as to
14 the use of the second unit on the second floor.

15 The board may recall that the building
16 is -- it's a restaurant on the first floor,
17 there's two -- building department has two
18 residential units upstairs. The testimony has
19 been that one unit they're looking to legalize as
20 a catering hall, has been a commercial use, a
21 catering hall for decades. The board wanted
22 confirmation of the second unit, so Mr. Valella
23 did a personal visit. And he's here to testify as
24 to what he found.

25 CHAIRPERSON GRULLON: Please, Mr. Lopez.

1 MR. GARCIA: If you can keep it down a
2 little bit.

3

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

6

7 MR. VALELLA: My name is Orestes
8 Valella, V-A-L-E-L-L-A, and my professional
9 offices are at 507 43rd Street, Union City, New
10 Jersey. And I'm still a licensed architect, so we
11 better hurry up.

12 MR. ALONSO: Mr. Valella, the board
13 asked you --

14 CHAIRPERSON GRULLON: We accept your
15 qualifications, Mr. Valella.

16 MR. ALONSO: The board asked that you
17 investigate the second unit on the second floor?

18 MR. VALELLA: Yes.

19 MR. ALONSO: Did you get to do that?

20 MR. VALELLA: Yes, absolutely.

21 MR. ALONSO: What were your findings?

22 MR. VALELLA: We found, as we thought, a
23 studio apartment, 555 square feet, in good
24 condition. Kitchen, bathroom, and living space.
25 Very good condition. It's been there for a long

1 time, but it's in good quality.

2 CHAIRPERSON GRULLON: They had tenants
3 there, Mr. Valella?

4 MR. VALELLA: Yes.

5 CHAIRPERSON GRULLON: Anything else on
6 the testimony?

7 MR. ALONSO: No, that was the extent of
8 the information the board requested from Mr.
9 Valella.

10 CHAIRPERSON GRULLON: I had the
11 opportunity to visit the area and, you know, that
12 was one of my concerns, having events, parties,
13 stuff like that, and having residents on the next
14 unit. I don't think that would be a good use for
15 that space.

16 MR. ALONSO: I still have the planner to
17 testify.

18 CHAIRPERSON GRULLON: You want to bring
19 your planner?

20 MR. ALONSO: Yes, please.

21 MR. PANEQUE: Before we proceed, Mr.
22 Alonso, two of the board members that are here
23 this evening were not at the last meeting,
24 therefore, they did not hear your architect's
25 testimony. Do you want to have the opportunity to

1 present your architect's testimony before you put
2 your planner, just in a nutshell, so that these
3 boards can then participate in the vote tonight?

4 MR. ALONSO: Sure.

5 Just for overview for those two board
6 members, my client entered into a lease in
7 November of 2019 for use of the space.
8 Historically this space has been a catering hall,
9 so to speak, independent from the restaurant
10 that's downstairs. There was testimony at the
11 last meeting that for the last several decades, it
12 has been used for that same use, it's just never
13 been recognized as such.

14 In November 2019, they entered into the
15 lease. They come to the building department to
16 get whatever permits. They said you need fire
17 suppression, fire approval, fire safety. They
18 contacted the fire department to do their
19 inspection, they asked them to do certain repairs,
20 they did the repairs. They passed the fire
21 safety. They then go back to the building
22 department to get their CO, and they say, oh, you
23 got to come to the board. COVID hits, they're
24 shut down, can't do anything. And now we're
25 before the board, so we have been at this since

1 November of 2019. My clients been spending a fair
2 amount of money. The only reason why they entered
3 in the lease was because of the historical use of
4 this. No one has ever complained of the use on
5 that space.

6 CHAIRPERSON GRULLON: Now that you
7 mentioned that, Mr. Alonso, do you have the owner
8 of the property here?

9 MR. ALONSO: The owner of the property
10 is not here.

11 CHAIRPERSON GRULLON: No. He didn't
12 want to testify that that was preexisting use?

13 MR. ALONSO: I think Mr. Valella
14 testified he was at a party there many, many, many
15 years ago. So I'll let him, if he recalls.

16 MR. VALELLA: I mean, when my kids were
17 little, I think I remember having them there. I
18 think it's been there forever.

19 We went and we did a site visit, it's an
20 existing catering hall, it's in very good
21 condition. Basically, it's three different
22 spaces, there's a table area in the front about 50
23 people capacity. There is the entrance, which has
24 another 18 people, and by the rear, there's
25 another 12, and that comprises the establishment,

1 which is about 744 square feet. And so you have
2 two means of egress out of there, you can go out
3 on the left side, on the right. There are
4 bathrooms for men, there's bathrooms for women.
5 There's also a janitorial area. Everything is in
6 very good shape.

7 There is a completely separate
8 apartment, which has no link whatsoever to this,
9 that has a separate entrance. And that's the
10 studio apartment that's 555 square feet. And
11 that's about it. I mean if the board would choose
12 to allow the use to continue, architecturally
13 there's very little to do. It's in very good
14 condition. All the life safety devices are there.
15 I see no architectural reason for it not to remain
16 in use.

17 MR. ALONSO: Just to follow up, my
18 client testified that there will be no employees.
19 Effectively, it's a hall for hire. There is no
20 liquor license associated with the establishment.
21 If there are no parties going on, the place is
22 empty. So it's very low intensity of use. But if
23 the board has any questions for Mr. Valella, I'll
24 offer him at this time. If not we can't get into
25 Mr. McDonough.

1 MR. PANEQUE: If I may? Mr. Valella,
2 you had an opportunity to visit the site, right?

3 MR. VALELLA: Yes.

4 MR. PANEQUE: And in your diagram here,
5 your site plan, you show two bathrooms?

6 MR. VALELLA: Yes.

7 MR. PANEQUE: The fixtures on those
8 bathrooms, can you give us an estimate as to how
9 long those fixtures have existed there? Are they
10 relatively new fixtures?

11 MR. VALELLA: No, no. They've been
12 there for awhile?

13 MR. PANEQUE: And the plumbing?

14 MR. VALELLA: Yeah, it's been -- I would
15 say decades.

16 MR. PANEQUE: Okay.

17 MR. VALELLA: But in good condition. I
18 mean the place is neat, painted, you know.

19 MR. PANEQUE: So this isn't something
20 that was just put in --

21 MR. VALELLA: Yesterday, no.

22 MR. PANEQUE: -- within the last couple
23 years?

24 MR. VALELLA: No, absolutely not.

25 CHAIRPERSON GRULLON: Mr. Valella, on

1 the prints that we have here, could you point
2 where the studio apartment is located?

3 MR. VALELLA: Sure. The studio
4 apartment is on the left quadrant. There's an
5 opening on the drawing, there's a void there.
6 That's where the apartment is. It's 555 square
7 feet, we visited it. It's independent, you can't
8 get into the social hall from the apartment. It's
9 independent. I could point to it. Can I
10 approach?

11 CHAIRPERSON GRULLON: Sure, please.

12 MR. VALELLA: The apartment is here with
13 a separate entrance.

14 CHAIRPERSON GRULLON: You said it's 555?

15 MR. VALELLA: 555 square feet.

16 CHAIRPERSON GRULLON: It's a separate
17 entrance completely from the catering hall?

18 MR. VALELLA: Separate entrance.
19 There's no physical way to get from one space to
20 the other.

21 CHAIRPERSON GRULLON: Okay. You want to
22 bring your next witness? We'll leave the
23 questions to the end.

24 MR. ALONSO: Mr. McDonough.

25

1 J O H N M c D O N O U G H, after having been
2 duly sworn or affirmed, did testify as follows:

3

4 MR. McDONOUGH: Hi, everyone, my name is
5 John McDonough. It's spelled M-C, capital D,
6 O-N-O-U-G-H. I'm the project planner.

7 CHAIRPERSON GRULLON: Thank you, Mr.
8 McDonough. We welcome you back here.

9 MR. McDONOUGH: It's good to be back.

10 MR. ALONSO: Okay. Mr. McDonough, I'm
11 going to ask you to review your planning
12 testimony.

13 MR. McDONOUGH: Interesting application
14 here, looking to take space in an existing
15 building that, absent facts, there seems to be
16 some common knowledge that this was historically
17 used for similar or identical use as a banquet
18 facility or catering hall, whatever you want to
19 call it.

20 It's interesting, I scrubbed your
21 ordinance and I don't see this land use allowed in
22 any zone district. Obviously, we don't want to
23 completely zone out certain uses, but I could not
24 find any specific zone in your community where
25 banquet or catering facilities are actually

1 permitted. And interestingly, I looked up the
2 definition of what a catering facility is, it says
3 see banquet facility. And there's no definition
4 for banquet facility.

5 So I think we know what the land use is,
6 it's a gathering place. It's a place for special
7 events, it's distinct and different from a
8 restaurant, from an eating or drinking
9 establishment, from a bar or tavern, all of which
10 are permitted uses in the zone. So to the extent
11 that this is a place for parties, for gatherings,
12 for celebrations and the like, it is akin to what
13 one may experience in a bar, a tavern, or an
14 eating and drinking establishment.

15 So we think that the use itself aligns
16 very well with the zoning and the uses that are
17 permitted here. It's your CN zone district,
18 again, where all those uses that I just spoke
19 about are permitted here. So it's a commercial
20 use in a commercial zone. This is not a
21 residential zone per se. Again, it's the CN
22 neighborhood commercial district, which certainly
23 wants to have the spaces along Bergenline filled,
24 activated, and certainly revitalized, and not in a
25 stagnant condition.

1 With that, we think the application
2 certainly lines up very well with the zoning. But
3 we also think that the application lines up very
4 well with the physical space. And as I typically
5 do, I put together a little packet of photographs
6 for the board. I think there's a good
7 practicality to the application here. And I think
8 the photos will help show that.

9 As they're getting handed out, you'll
10 see they're file, size 11 by 17, and there's going
11 to be four pictures in here. Some are from the
12 ground and some are from up in the area.

13 Thank you. So, again, the four pages
14 here, we'll start with photos that were taken just
15 yesterday. This is a fresh view of the property
16 in question from Bergenline. I put a little arrow
17 on there just to indicate the space that we're
18 dealing with here. It's those two windows on the
19 upper level over the restaurant that has been
20 recently rebranded. Again, we know on Bergenline
21 there's on-street parking that is available.

22 And then flipping over to the second
23 page, we start to take you now up into the air.
24 It's the same view or the same vantage as the
25 first one, looking to the east. Bergenline would

1 be in the foreground and then I put a little label
2 on 42nd Street to the left there, just to help
3 with orientation. There's a municipal or public
4 parking lot just off the screen here in the
5 foreground. And you'll see that as we start to
6 spin around to the view, first looking to the
7 south, where I show where you the site is located.
8 And then the public parking lot that stretching
9 from 42nd to 41st, again to accommodate land uses
10 such as this. So there is that built in public
11 amenity right there.

12 And then finally on the last page, we
13 just flipped the view around and we look back to
14 the north. The public parking would be on the
15 left, it is within reasonable walking distance of
16 the building itself. And then you get a sense of
17 the built nature of the building and the character
18 of the area.

19 This is going to be a contained
20 building. One of the nice things about your
21 ordinance is that it does have protections for the
22 public with respect to this specific land use.
23 While it's not referenced in your zoning
24 ordinance, the land use is referenced in your
25 general ordinance, your police ordinance. In the

1 peace and good order, Section 296-10, it
2 specifically deals with this land use. And the
3 board can certainly impose reasonable conditions
4 on the use with respect to noise, with respect to
5 hours of operation. Again, all in protecting the
6 public interest. And they're all sort of cooked
7 into your general regulations as that presently
8 exists.

9 So taking this back to the criteria for
10 approving a use variance. Again, we're calling
11 this out as a D1 use variance because the use is
12 not specifically permitted in the zone. But
13 certainly on the positive side, we think that
14 there's site suitability here. This is a retrofit
15 of space that apparently has historically been
16 used for this purpose. Even if it hasn't, it
17 accommodates spatially what the applicant is
18 proposing here.

19 You just heard through Mr. Valella that
20 we have a catering facility here that can
21 accommodate approximately 50 persons in a
22 comfortable manner. Certainly for an
23 entertainment type venue without being over
24 crowded or any unsafe conditions. And certainly
25 is bound by all fire codes and life safety codes

1 and building codes as well. So, again, you have
2 sworn testimony here from an architect that the
3 space can accommodate this land use. I think that
4 certainly goes towards site suitability.

5 Additionally, special reasons. We
6 always look at what this land use does from a
7 positive standpoint. I think it's safe to say
8 family gatherings, special events, separate and
9 apart from being in a bar and restaurant, but
10 having your own private space is a good thing. We
11 think that promotes the general welfare as well.
12 And then of course promoting efficient land use
13 and a variety of land uses in appropriate
14 locations, also goes towards the positive
15 criteria.

16 As I said I don't see this use zoned
17 anywhere in the community. I think here right on
18 Bergenline is a perfect place to pull people in.
19 It will be a magnet that helps all the other
20 businesses in the area as well, by giving people a
21 reason to come here. And from a planning
22 standpoint, we think that reinforces the zone
23 intent of the CN zone.

24 Negative criteria, for all the reasons
25 that I've given, based on the protections in your

1 own general ordinances, the availability of
2 parking within reasonable walking distance,
3 compliance with all applicable building related
4 codes. I believe relief can be granted here
5 without any substantially adverse impacts on the
6 neighborhood, on the public. I don't think this
7 puts anybody at harms' risk or creates a nuisance.
8 Again being bound by noise controls here and
9 reasonable hours of operations.

10 And that said, no substantial impairment
11 to the intent and purpose of the zone plan.
12 Although, it is not expressly permitted here, it
13 is certainly akin to the kind of activities that
14 could otherwise go in this space. So all of those
15 reasons, I believe the statutory tests for D1
16 relief is met. It's a good application, it's a
17 good fit for this site. And I would offer based
18 on the evidence, approval is warranted here.

19 CHAIRPERSON GRULLON: Thank you, Mr.
20 McDonough, very well.

21 MR. ALONSO: Mr. Chairman, just to
22 follow-up on what Mr. McDonough was saying. In
23 terms of the general ordinance, Union City has a
24 very comprehensive noise ordinance and it's very
25 specific to protect, you know, the residents. I

1 know that was one of the concerns you had
2 indicated early on today, this evening. And it's
3 very specific. So if there is a violation for a
4 noise ordinance, it disturbs the neighbor, then
5 summonses will be issued. And they will be in
6 municipal court. Ultimately, if enough violations
7 are issued, it may affect the certificate of
8 occupancy, if issued. So I think there's
9 protections in place to address your specific
10 concerns.

11 CHAIRPERSON GRULLON: But, again,
12 there's no license involved with a catering place,
13 no liquor license?

14 MR. ALONSO: There's no liquor license,
15 no.

16 CHAIRPERSON GRULLON: Okay. So my
17 question for Mr. McDonough is did you get an
18 opportunity to visit the area?

19 MR. McDONOUGH: Yes, these were --

20 CHAIRPERSON GRULLON: Did you see, you
21 know, like how many entertainment places, like
22 bars, are around the area?

23 MR. McDONOUGH: Well, again, there are
24 eateries and that's what makes Bergenline special,
25 there's a variety of that.

1 CHAIRPERSON GRULLON: One of our
2 concerns with the community is the people drinking
3 on public areas, you know, like open to drinking
4 alcohol and things like that. How would they
5 control -- I guess now my question is more for the
6 applicant. Do you have any experience with this
7 type of business? Do you want to bring the
8 applicant over and do you have -- do they have
9 experience with, do they have another place?

10 MR. ALONSO: We need Mr. Valella to
11 interpret as he did last time.

12 MR. VALLEJO: You're going to get a
13 stipend, Mr. Valella.

14 CHAIRPERSON GRULLON: Mr. Valella, can
15 you ask the question if they have another place,
16 they have any experience?

17
18 J U L I A N A F L O R E S, after having been
19 duly sworn or affirmed, did testify as follows:

20
21 MS. FLORES (THROUGH MR. VALELLA):
22 Juliana Flores.

23 CHAIRPERSON GRULLON: Again the question
24 is if they have any experience with this type of
25 business? If they have another one somewhere

1 else?

2 MS. FLORES (THROUGH MR. VALELLA): No,
3 it's her first business.

4 CHAIRPERSON GRULLON: Okay. And then
5 how would you handle parties and stuff like that?
6 They're not allowed to drink alcohol there, how
7 would that work?

8 MR. ALONSO: I just want to clarify, the
9 liquor license is to sell. But typically when you
10 have a catering hall, you bring in your own food,
11 there's no cooking there, you bring in your own
12 food, whether it's from another restaurant or
13 homemade and you bring your own beverages. So I
14 don't want to mislead the board, there will be,
15 most likely, consumption of alcohol, but we're not
16 selling it.

17 MR. VALELLA: Should we ask the question
18 if she's going to allow alcohol to be brought in?

19 MR. ALONSO: You can ask her, but
20 there's no prohibition on that.

21 MS. FLORES (THROUGH MR. VALELLA): So
22 they would bring their own beverages, but they
23 don't -- she's not allow to sell anything.

24 CHAIRPERSON GRULLON: I mean that's my
25 main concern.

1 MR. PANEQUE: Ms. Perez.

2 MS. PEREZ: Is there a security system
3 for monitoring so it doesn't get out of hand?

4 MR. ALONSO: If the board were to impose
5 a condition, we could require the applicant to
6 hire security for the parties. And then it will
7 be obviously incorporated into whatever contract
8 or rental agreement with the customer.

9 VICE CHAIRPERSON GUTIERREZ: What's
10 going to be the capacity? How many people?

11 MS. FLORES (THROUGH MR. VALELLA): 86
12 people.

13 MS. MERTZ: Mr. Chairman, I thought the
14 plan said 50 plus 12.

15 MR. VALELLA: We have 50 plus 12 plus
16 18.

17 MS. MERTZ: In the service area?

18 MR. VALELLA: In the service area,
19 right.

20 MS. MERTZ: So it wouldn't be that many
21 guests, there would be servers associated with the
22 catering company, is that what that number --

23 MR. VALELLA: Yes.

24 VICE CHAIRPERSON GUTIERREZ: Mr.
25 Valella, it's going to be from what time to what

1 time?

2 MS. FLORES (THROUGH MR. VALELLA):
3 Friday, Saturdays, and Sundays 7:00 p.m. to
4 whenever Union City -- whatever regulation for
5 closing time. She thinks it's 1:30.

6 CHAIRPERSON GRULLON: Just to maintain
7 the quality of life to the residents here, the
8 City's been imposing an ordinance to ensure that
9 no one is out drinking after certain hours. The
10 restaurants are permitted to be open, maybe with
11 the occasion nine, ten o'clock at night. But when
12 it goes to one or two in the morning, those are
13 only places that have liquor license and regulated
14 in a more strong capacity. I don't see this type
15 of business, that we would be able to regulate the
16 way we're supposed to regulate. Maybe that's one
17 of the reasons why it's not contemplated in the
18 zoning ordinance as permitted use, you know.

19 That's something we want to keep, you
20 know, restricted for the areas, especially for the
21 commercial zone. But let me -- do you have any
22 other witness?

23 MR. VALELLA: Can I ask her if she's
24 willing to adjust from seven to ten, is that
25 something that would be palatable?

1 MR. ALONSO: I think the 10:00 is for
2 the kitchens to stop serving, but the restaurants
3 don't close at 10. The restaurants stay open,
4 they just don't -- the kitchens can't serve after
5 10.

6 CHAIRPERSON GRULLON: If they don't have
7 a liquor license, after the kitchens are closed,
8 they're just closing restaurant, they're not open.

9 MR. ALONSO: Correct, the ones that
10 don't have the liquor license. The ones that have
11 liquor licenses, as opposed to a bar, they stay
12 open.

13 CHAIRPERSON GRULLON: A carry-in place
14 that's going to be open until 1:30 in the morning
15 is not serving the purpose, you know, to serve the
16 neighborhood in a better way. You know,
17 protecting from -- I'm not going to say there's
18 going to be drunk people coming out of that place
19 especially, but we're opening the door for that,
20 you know.

21 MR. ALONSO: I understand. And I think
22 that's why the policing powers are important in
23 the City and the board does have the right to
24 impose reasonable conditions in terms of the hours
25 of operation, which we would welcome.

1 CHAIRPERSON GRULLON: That could be a
2 condition, if she's willing to be restricted to
3 kitchen hours, like places where they don't have a
4 liquor license, the places close by 10, maybe that
5 would be a good start. And she would have to come
6 to the board again if she want to do -- you know,
7 all depending how it goes, how they behave, you
8 know. I don't want to open up something that is
9 going to become a problem in the area.

10 MR. ALONSO: Can I just have a second to
11 speak to her off the record?

12 CHAIRPERSON GRULLON: Do you have any
13 other witnesses?

14 MR. ALONSO: I have no further
15 witnesses.

16 CHAIRPERSON GRULLON: Do you want to
17 listen to the public first?

18 MR. ALONSO: Sure.

19 CHAIRPERSON GRULLON: Let me open to the
20 public. Anyone from the public wants to step
21 forward on this application? Hearing none, before
22 we make a vote, close to the public.

23 Before we make a vote, you want to have
24 a minute to see if she's willing just to stay open
25 only until 10? Is that something we can regulate

1 here first?

2 MR. PANEQUE: That could be part of the
3 resolution as a condition. I think it would
4 become one of enforcement because who's going to
5 be maintaining, you know, vigilance over this
6 place and making sure that by 10:00, they've
7 closed their doors?

8 Now, I can write a resolution to the
9 effect that the board is approving it with the
10 condition that any party or affair that's taking
11 place be finished by 10:00 p.m. on any given
12 night. And if they violate that condition, then
13 they forfeit their right. So just make sure --

14 MR. ALONSO: It's kind of like a death
15 penalty.

16 MR. PANEQUE: But that's --

17 MR. ALONSO: But it is --

18 MR. PANEQUE: It's a question of
19 enforcement.

20 MR. ALONSO: Sure. And as with any
21 other business, it's self regulation. And
22 ultimately, if there is a violation, they'll be
23 issued summonses. I think the first one, to shut
24 them down, is a little much.

25 MR. PANEQUE: If they're agreeing to a

1 10:00 curfew, then it shouldn't go beyond 10:00.

2 MR. ALONSO: I agree with you, I agree
3 with you.

4 MR. PANEQUE: Then that would be part of
5 the resolution, as I see the board approving this
6 thing.

7 MR. ALONSO: I have no problem with
8 10:00. I just don't want her to lose the
9 certificate of occupancy for one violation.

10 MR. PANEQUE: Make a suggestion.

11 MS. PEREZ: Just a question, is there
12 going to be music allowed here? I see that's a
13 restaurant right downstairs, would that interfere
14 with the business there?

15 MR. ALONSO: Well, music can't be that
16 loud to interfere with --

17 MR. PANEQUE: As Mr. Alonso stated in
18 his remarks, we do have in the City of Union City
19 a noise ordinance, which is quite comprehensive.
20 So anyone who objects to the intensity of music at
21 the location can put in a complaint and that would
22 be addressed through the municipal court.

23 MR. ALONSO: Let me just request one
24 minute and I'll speak to my client.

25 MR. VALLEJO: Off the record.

1 (Discussion held off the record.)

2

3 MR. VALLEJO: Back on the record.

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

5 As always, we always listen to the board and
6 consider the concerns, we try to accommodate them
7 the best that we can. One of the things that we
8 always find that helps is having security and I
9 think that was discussed earlier. And probably
10 the best type of security I've seen is an off-duty
11 police officer, which typically he has some kind
12 of marking on him to indicate he's a police
13 officer, not just some guy standing in a corner
14 with a lot of muscles. So there's a high level of
15 respect for that security.

16 I think as a condition of approval, we
17 can agree that any function, while it's operating
18 from the beginning to end, has to have an off-duty
19 police officer working as security. That would
20 obviously help to enforce the local regulations
21 because the police officer knows about the noise
22 ordinance and the public intoxication and all
23 those other things. So it's going to help.

24 With that said, I think and I'm just
25 going to throw this out there, we can probably

1 accommodate to 11:00 because 11:00 is still not
2 that late with the police officer there. If it's
3 10:00, it's 10:00, I spoke to my client, she's
4 fine with it. But I think with the off-duty
5 police officer there, we can accommodate 11:00 and
6 still maintain the peace.

7 In terms of the violations, I think
8 three strikes and you're out would accommodate us.
9 And I think we spoke earlier that we would have
10 essentially a one year probation period. If there
11 are no violations, if there are no complaints to
12 the police officer, if there are no matters before
13 the municipal court, then the board will entertain
14 us so to possibly extend it even further. But
15 that would be up to the board, that's not
16 automatic. So that's what we're -- I believe
17 conditions that we can agree to to accommodate the
18 board.

19 CHAIRPERSON GRULLON: Thank you, Mr.
20 Alonso. And as you know, we are residents of
21 Union City, we just want the best for Union City.
22 And you know like bringing people that are
23 interested in doing business here, that's sort of
24 also our interest, we want that. But we want it
25 to be in an orderly fashion that they come and try

1 to live with the community the way we living right
2 now and respect the neighbors and respect the
3 community.

4 With the three things that you
5 mentioned, the police officer, the off-duty police
6 officer to use as a security guard, I think that's
7 a good thing because they know the laws of Union
8 City. They'd be able to help the owners better,
9 you know, in what to do when they see something
10 wrong. That's one. The other one is the three
11 violations, I think if they don't fall into any
12 violation in a year, they still have -- I mean we
13 don't want to have any violation, and we can be
14 one strike now. Let's do the three, I agree with
15 that. I don't know about the other board members.

16 VICE CHAIRPERSON GUTIERREZ: Yeah.

17 CHAIRPERSON GRULLON: But with the
18 hours, I'd like to start with 10 p.m. with the
19 hours of operation to have a curfew by 10 p.m. and
20 if there are no violations and they want to review
21 that in the future, maybe we can come up with
22 something else. But for now, let's do like an
23 initial phase of 10 p.m., the off-duty police
24 whenever they have an event, and the three --

25 MR. ALONSO: Three strikes.

1 CHAIRPERSON GRULLON: The three strikes,
2 I agree with that. Any members of the board has
3 any other suggestion?

4 VICE CHAIRPERSON GUTIERREZ: I agree
5 with you.

6 MR. GARCIA: Nothing.

7 CHAIRPERSON GRULLON: Okay. Again, I
8 want to open that to the public, does that
9 conclude your presentation?

10 MR. ALONSO: That does, Mr. Chairman.

11 CHAIRPERSON GRULLON: Again, I want to
12 open to the public. Anyone from the public want
13 to step forward? Hearing none, again, thank you,
14 Mr. Alonso, for considering our requests for the
15 best interest of the Union City. I would make a
16 motion to grant the request with the three stated
17 conditions, 10 p.m. curfew, three strikes, and the
18 off-duty police officer whenever they have an
19 event.

20 MR. PANEQUE: Union City police officer.

21 VICE CHAIRPERSON GUTIERREZ: I'll second
22 it with all the conditions.

23 MR. VALLEJO: Motion on the table to
24 approve this application with the conditions by
25 Mr. Grullon seconded by Ms. Gutierrez. Roll call

1 on the motion. 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. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Mr. Cetinich.

12 MR. CETINICH: Yes.

13 MR. VALLEJO: Ms. Watley.

14 MS. WATLEY: Yes.

15 MR. VALLEJO: Seven in favor, motion
16 carries with the conditions.

17 MR. ALONSO: Thank you very much, have a
18 good evening. Happy Easter.

19

20

* * * *

21

22

23

24

25

1 **547 36th ST UC Associates, LLC -**

2 **547 36th Street and 546-548 35th Street:**

3
4 MR. PANEQUE: Mr. Lopez, you ready, sir?

5 MR. LOPEZ: Yes.

6 MR. VALLEJO: Next application tonight's
7 agenda 547 36th ST UC Associates, LLC, 547 36th
8 Street and 546-54835th Street, Mr. Lopez, please.

9 MR. LOPEZ: Yes, good evening, Mr.
10 Chairman, members of the board. I have the
11 jurisdictional documents for your counsel, Mr.
12 Paneque.

13 MR. PANEQUE: Thank you, Mr. Lopez.

14 Let the record reflect as follows:

15 I have been proceeded by Mr. Lopez with
16 an affidavit of service signed by Mr. Lopez,
17 notarized by attorney Anna Noris from his office
18 indicating that notice of tonight's hearing with
19 respect to the property at 546-548 35th Street,
20 547 36th Street, and 555 36th Street, was sent to
21 all property owners within the 200 foot radius of
22 said property. And the notice was published in
23 The Jersey Journal, which is our local newspaper.

24 I've also been provided with an
25 affidavit of publication from The Jersey Journal

1 with a publication date of April 22, 2022. Said
2 notice indicates at tonight's hearing at this
3 location, the Union City High School, the
4 application for the property in question, which I
5 previously mentioned, will be heard by the board.

6 I've also been provided with a copy of
7 the notice that went out to all property owners
8 within 200 foot radius, as well as the 200 foot
9 list that was provided by the Union City tax
10 assessor's office. Said list has a date of
11 March 31, 2022. And there's an additional list
12 with a date of April 1, 2022, which is also
13 included as part of this packet.

14 And I've also been provided finally with
15 the certified mail receipts with a postmark date
16 of March 31, 2022, and April 1, 2022.

17 Based on the documentation that has been
18 provided to this board, this board has
19 jurisdiction to proceed and hear this matter.

20 Thank you, Mr. Lopez.

21 MR. LOPEZ: Thank you.

22 So for the members of the board and new
23 members, I don't think you were all here on the
24 prior approval. There was an approval by this
25 board in November of 2020 for a slightly smaller

1 structure, which would have been this one. This
2 one was approved previously, but after --

3 MR. PANEQUE: Mr. Lopez, can we just
4 have you mark that for identification, since it's
5 being presented to the board?

6 MR. LOPEZ: It was previously
7 introduced, but for purpose of tonight's meeting,
8 we'll mark that as A-1, applicant 1.

9
10 (Rendering of prior approval
11 marked A-1 for identification.)
12

13 MR. PANEQUE: Please describe what it
14 is.

15 MR. LOPEZ: Right. So this is a
16 photograph of -- a rendering of the prior approval
17 of November of 2020. And it was for 27 units
18 on -- more so on 36th Street, but also onto 35th
19 Street, it was a bit of an L. The consequences of
20 that approval -- and this is just background
21 information, obviously my experts will testify.

22 As a consequence of that approval, I'm
23 going to show you now what I'm marking as A-2. I
24 only have two, but if you could circulate it and
25 then I'll refer to the other one.

1
2 (Rendering marked A-2 for
3 identification.)
4

5 MR. LOPEZ: And again this is just for
6 background. So on this -- this is the remaining
7 lot, which is the subject of tonight's meeting.
8 And the problem that came up is that the neighbor
9 indicated to us when you put up your building
10 here, higher structure and a higher structure by
11 the Walgreen's, you now have this 50 by 100 lot,
12 which by today's ordinance, they could only really
13 build two two-family houses and that didn't make
14 sense either. So he asked that we purchase that
15 lot and that's the reason for this application
16 tonight.

17 Also by way of background, we know
18 there's a school going up. Prior to tonight, we
19 did some due diligence, we had meetings with the
20 administration, with the town attorney, and
21 basically their directive is that if the board
22 sees fit to approve this project, they're asking
23 that we move on it immediately. They want this up
24 prior to the school going up. But obviously
25 subject to this board's approval.

1 So having said that, just as a matter of
2 background, I will introduce my architect and
3 planner Arthur Michels, I think he prefers Art.

4 MR. MICHELS: Art is fine.

5 MR. LOPEZ: And we've given the
6 information. Have you had a chance to testify
7 previously before this board?

8 MR. MICHELS: I believe I testified
9 before the planning board in Union City in the
10 past.

11 MR. LOPEZ: Okay. Please give the board
12 the --

13

14 A R T H U R M I C H E L S, after having been
15 duly sworn or affirmed, did testify as follows:

16

17 MR. MICHELS: Arthur Michels,
18 M-I-C-H-E-L-S.

19 MR. LOPEZ: Could you please give the
20 board the benefit of your educational background
21 and your expertise?

22 MR. MICHELS: Sure. I have a bachelor
23 of science and a bachelor of architecture from the
24 Kent State School of Architecture and
25 Environmental Design. I'm a licensed registered

1 architect in the State of New Jersey, licensed
2 professional planner in the State of New Jersey,
3 have been since 1987. I've testified before
4 hundreds, maybe thousands of boards across the
5 State of New Jersey.

6 I'm very familiar with Union City, I'm
7 very familiar with multifamily housing. And my
8 licenses as an architect and a professional
9 planner are current in the State of New Jersey.

10 CHAIRPERSON GRULLON: We accept your
11 qualification.

12 MR. LOPEZ: Thank you, Mr. Chairman.

13 MR. MICHELS: Thank you.

14 MR. LOPEZ: Art, were you involved with
15 the planning of this proposed structure?

16 MR. MICHELS: Yes.

17 MR. LOPEZ: Your office -- is it fair to
18 say that your office designed this revised
19 structure?

20 MR. MICHELS: That is fair to say.

21 MR. LOPEZ: Please describe to the board
22 what had been approved and what we are proposing
23 tonight?

24 MR. MICHELS: I'm going to just refer to
25 maybe the site plan to start.

1 MR. LOPEZ: Okay.

2 MR. MICHELS: And this was in the
3 packets that you have. This is the drawing that
4 was submitted SP-1. If it's in the package, do we
5 need to mark it?

6 MR. PANEQUE: Not if it's in our packet.

7 MR. MICHELS: It's absolutely identical.
8 What was previously designed was a structure from
9 this line right here in the middle, okay. And
10 that structure was parking on the ground floor, it
11 had apartments above, it had 27 units in it. And
12 it had 38 units of parking -- 38 car parking,
13 which included 35 spaces in the garage and three
14 outside.

15 MR. LOPEZ: Art, just tell them which
16 street is which, I know it's obviously to them,
17 but just so we're clear.

18 MR. MICHELS: This is 36th Street on the
19 left, 35th Street is on the right. The client, as
20 described, has purchased Lot 67 and 68 in Block 23
21 and we've expanded the building down into those
22 two lots. And we've slightly reconfigured the
23 parking to work in there and the units up above.

24 What happens with the parking, we go up
25 to a total of 49 parking spaces as opposed to the

1 38 that were before. Of that, 44 inside the
2 garage, five that are outside the garage, okay.

3 And then we moved certain things around.
4 Before there was a lobby over here in the middle,
5 with an elevator to it. There were two stair
6 towers up above that discharged out into a side --
7 I'll describe it as an alleyway, that was 3 feet 8
8 wide. And so the exit stairs from up above were
9 discharging into that alley and people -- if they
10 were exiting the building, would go either to 35th
11 or 36th Street. As part of the redesign and
12 moving the stairs, we made it so the stairs
13 discharge directly on to the street versus into
14 the alleyway. One discharging onto 35th through
15 the lobby, one discharging on 36th, the other way
16 because of rearranging the stairs.

17 MR. LOPEZ: The other way --

18 MR. MICHELS: The other way, sorry. One
19 onto 36th and one to 35th, which we think is a
20 safer arrangement. Also a benefit of that is
21 before the elevator lobby that was in the middle
22 off the garage did not have access to a stair. So
23 if someone wanted to go and walk up to the upper
24 floors, instead of taking the elevators, they
25 would have to go outside the building, walk down

1 the alleyway and go up the stairs. Now with this
2 new design, if they decide not to go to the
3 elevator after they get the mail, the packages,
4 they can go upstairs straight off the lobby. So
5 we think that was a big improvement.

6 The other thing is in regard to the
7 site, in the previous approval, there was an area
8 in the rear yard that was designated for the trash
9 cans and recycling to be stored outside the back
10 of the building in the rear yard. As part of this
11 redesign, we created a trash room that is air
12 conditioned inside the building, that's all
13 self-contained, and it's connected to the upper
14 floors by trash chutes. So the residents will not
15 have to bring their recycling or their trash down
16 and put them in cans outside the building.
17 They'll put it into trash chutes and go down into
18 a trash room, into a compactor. And then staff
19 would take it out at the appropriate time.

20 MR. LOPEZ: Let me interrupt you just
21 one second. On the issue of the garbage, please
22 explain and I've marked this A-3, Mr. Paneque.
23 Please explain to the board where that room would
24 be and so that it is enclosed, please?

25

1 (Diagram marked A-3 for
2 identification.)
3

4 MR. MICHELS: So that room, on this
5 exhibit here, A-3, there is one door here that is
6 the exit door to the stair, there's a double door
7 right there, which is the access to the trash
8 room. And it's a nice wide double door. And then
9 to the side of it is the access to the PSE&G
10 electrical transformer.

11 CHAIRPERSON GRULLON: That's 35th Street?

12 MR. MICHELS: That's all on 35th. And
13 there's no vehicle access back there, that's all
14 pedestrian access back there. There is a
15 connection to the trash room off of the parking
16 garage through the garage as well.

17 Another thing I'd like to bring to the
18 board's attention, in the previous application,
19 all the interior spaces in the garage, a variance
20 was granted for them to be 8 feet wide instead of
21 9 feet wide. As part of this and reconfiguring it
22 around, I was able to make those spaces a little
23 bit wider. So now the interior spaces are 8-7
24 wide, versus the 8 feet on the previous
25 application, which we think is much easier to live

1 with.

2 MR. LOPEZ: And let me ask you a
3 question about parking. You didn't mention before
4 that we have certain amenities in the parking lot,
5 which were not there before on the electric
6 vehicle charging stations. Can you describe that
7 for the board?

8 MR. MICHELS: I was just getting to go
9 that.

10 MR. LOPEZ: Sorry.

11 MR. MICHELS: That's fine. We've also
12 added four electrical vehicle charging stations
13 within the garage. And we've also identified four
14 other locations that we're making ready for future
15 vehicle charging. So once the demand is there,
16 it's all wired up, it's all -- circuits are
17 brought to it, conduits brought over, it's all
18 set, they just need to go and plug those in. So
19 there's essentially eight electrical vehicle
20 charging stations or the ability to have that in
21 the garage as it is designed now.

22 MR. LOPEZ: Does that influence the
23 parking space count?

24 MR. MICHELS: Yes, it does.

25 MR. LOPEZ: How so?

1 MR. MICHELS: By state statute now,
2 those eight spaces count two for one. So in the
3 requirement for what you're providing, those eight
4 would actually add up to 16 space.

5 MR. LOPEZ: So we would have the
6 equivalent of 57 spaces?

7 MR. MICHELS: 57 -- yes, 57.

8 MR. LOPEZ: 57 spaces --

9 MR. MICHELS: That's correct.

10 MR. LOPEZ: -- for this?

11 MR. MICHELS: Okay. And that's noted on
12 our site plan sheet here as equivalency,
13 identified the actual number of spaces and the
14 equivalency spaces.

15 Now, pulling up sheet A-102, which is
16 the second floor plan. Essentially, they're
17 typical with all the floors going up and down.
18 You can see the unit layout in there, you can see
19 that we have nine one-bedroom units and five
20 two-bedroom units on the floor. The units are
21 very spacious. The one bedrooms vary from seven
22 hundred some odd square feet to over 900 square
23 feet depending on which ones. The two bedrooms
24 are from a thousand to 1,200 square feet. So that
25 the unit sizes are well in excess of what your

1 zoning ordinance minimums are.

2 What we've done is we've put
3 two-bedrooms on the two main corners, three
4 corners. And then also two more two-bedrooms sort
5 of in the middle. And then the rest of the units
6 going around the one bedrooms. Here's where the
7 elevator comes up, right next to that one stair.
8 There's another stair in the back, which is the
9 one that I talked about in the back. And you'll
10 see right next to the stair in the back, which is
11 stair number two, you'll notice that there's the
12 trash room back there. And those two round
13 circles are the two trash chutes, one would be
14 recycling and one would be the trash chute. So
15 that makes it much easier for them to dispose of
16 whatever they need to dispose of.

17 Regarding the exterior of the building,
18 you can see we respected the materials that were
19 approved last time, the same bricks in the same
20 palette of materials that we used last time. We
21 followed those same materials through this time.

22 This front piece of the building over
23 here on the left and that's on 36th Street is
24 where there's a 1 foot 8 setback. And then the --
25 so basically we matched the setbacks for the

1 existing building -- the previously approved, from
2 that point up. When we went forward to the east,
3 between the previously approved building and the
4 Walgreen's, that building there, that's a setback,
5 we pulled that back to match the 7 foot
6 restriction that's in the ordinance right now and
7 we respected that.

8 MR. LOPEZ: Let me ask you a question
9 about something that we discussed with a neighbor
10 and we had agreed to discuss with the board. If
11 you could put the other one up on the easel,
12 please. Show them what we would call for
13 descriptive purposes the alleyway that's created
14 between 36th and 35th Street on the edge?

15 MR. MICHELS: So there's an alleyway
16 that's created going right along here, going up
17 the back. And then going all the way along there
18 to 35th Street.

19 MR. LOPEZ: So that's something that we,
20 prior to -- just before, we were discussing with
21 one of the neighbors. It had been our intent to
22 discuss this to the board, we're -- to give the
23 board the option and in this case the neighbor and
24 she'll come up and let you know. There was
25 concern that if we leave it open, it could be an

1 alleyway for people to go through. The neighbors
2 preference is that we block it off on 36th and on
3 35th with gates, which would be keyed gates. And
4 we would block off that entire area. Because we
5 have no more exits onto that alleyway, everything
6 exits straight to the sidewalk, obviously, it's
7 not a problem, it can be blocked off completely.

8 MR. MICHELS: With the board's
9 permission, there is one little slight
10 modification that I would like to make. As we've
11 developed the plans a little further for
12 construction, pending the board's approval, we've
13 reviewed the egress through the garage and we see
14 that the egress through the garage has to go
15 through the lobby, meaning that that door would
16 always have to be open. And I think from a
17 security point of view, even though the garage is
18 protected by an overhead door, I would like to go
19 and just add an emergency exit door right here to
20 the left of the elevator in the garage and have
21 that be able to go and discharge out. That way
22 the door into the lobby would be able to be
23 secured and still maintain two means of egress
24 from the garage.

25 MR. LOPEZ: But it will still be gated

1 at the street?

2 MR. MICHELS: It would be gated at the
3 street and we would have panic bars, hardware on
4 the inside. And that would be, you know, to the
5 board's pleasure, but we would appreciate it if we
6 could do that.

7 MR. LOPEZ: All right. Anything else
8 relating to the architectural aspect of the plan?

9 MR. MICHELS: Nope, that's all.

10 MR. LOPEZ: In your opinion, is this a
11 better or improved design from what was proposed
12 and approved previously?

13 MR. MICHELS: I think it is much better.

14 MR. LOPEZ: I'm going to ask you to now
15 put on your planner hat and put on the overhead
16 satellite photograph that we have of the site for
17 your planning testimony.

18 Just one issue on architectural, on the
19 prior approval, there was no height variance
20 required. On this one because the ordinance has
21 changed from the last approval to now, could you
22 just please describe for the board what the height
23 variance that we would require?

24 MR. MICHELS: The height before was, I
25 believe, 45 feet. You know, now, your ordinance

1 has dropped it down to 35 feet. Our building is
2 four stories, 45 feet.

3 MR. LOPEZ: And in your opinion, does
4 it -- what makes more sense? To maintain the
5 45 feet as was previously approved or to lower it
6 on the new proposal?

7 MR. MICHELS: I think it absolutely
8 makes more sense to keep it straight. It's a
9 better appearance of the building, it makes the
10 building function better. The adjoining property
11 to and immediately to the side of it is the
12 Walgreen's, which is a commercial zone. I think
13 it certainly is within the character of the
14 neighborhood. And I think that is, you know, it's
15 uniquely suited to that and it's uniquely suited
16 to this use at that spot.

17 MR. LOPEZ: All right. Now, continuing
18 on the concept of the height, please show us --

19 MR. MICHELS: Do you want me to mark
20 this?

21 MR. LOPEZ: We'll mark this A-4.

22

23 (Aerial photograph marked A-4
24 for identification.)

25

1 MR. LOPEZ: Please show the board
2 obviously our building now is a four-story
3 building, but explain to the board how this
4 building fits in generally in the neighborhood and
5 tell us if there are other structures of similar
6 height?

7 MR. MICHELS: Sure. This is 36th
8 Street, this is 35th Street, 32nd. Our lot is
9 right here in the middle, this paved area right in
10 the middle. Immediately behind it, across the
11 street on 35th is a four-story structure.
12 Immediately down the street is a six-story
13 municipal garage, adjacent to that is a four-story
14 structure. In between the two is the church,
15 that's a very tall structure. And then off on
16 Kennedy Boulevard, there's some taller structures.
17 There's also, you know, four or multi-story,
18 six -- four and six story buildings over on 32nd
19 Street.

20 So I think there's a very wide presence
21 of four-story or more buildings in the immediate
22 vicinity, this particular site is sandwiched
23 between Kennedy Boulevard and Bergenline, okay.
24 And then there's only a block off of 32nd, once
25 again those are commercial zones. So I think

1 that, you know, as far as the character of the
2 neighborhood, I think that this building at this
3 height certainly fits within the character of the
4 neighborhood.

5 MR. LOPEZ: Mr. Paneque, I had asked Mr.
6 Vallejo to bring in the file from the prior
7 approval, which contains photographs that had been
8 previously marked into evidence as part of that
9 application. They show some of the structures, so
10 at the end of the evening, before a decision, I
11 would ask the board to look at these to show how
12 many buildings there are of equal or greater
13 height.

14 MR. PANEQUE: Noted, Mr. Lopez.

15 MR. LOPEZ: Thank you.

16 So let's go a little bit into the
17 planning aspect of this. Please give us the
18 positive and negative criteria which are
19 associated with this project?

20 MR. MICHELS: Well, I think, you know,
21 as far as use here, I think that this site is
22 particularly suited to this type of use and it's
23 particularly suited for this type of height. I
24 think that in the past application, they were
25 looked at -- the previous application as

1 alternative zoning. And we think this is a better
2 solution, okay.

3 I think that I've reviewed the master
4 plan and I've reviewed the recent re-examination
5 of the master plan, I found -- I find that this
6 application and the features of it are reenforcing
7 the purposes of it and the intent of the master
8 plan. And it works well with the neighborhood,
9 okay.

10 As far as the negative criteria, I
11 really don't see -- I don't see any negatives to
12 it. I think it's strictly a positive,
13 well-suited. And I think it does no damage to the
14 zoning ordinance, the zone plan or the master
15 plan.

16 MR. LOPEZ: Okay. You believe that --
17 it's your testimony then that the variance that
18 would be required or would be granted by this
19 board is consistent with the intent and the
20 purpose of the zoning ordinance as outlined?

21 MR. MICHELS: Yes.

22 MR. LOPEZ: Okay. Let me ask you a
23 little bit and we'll have a traffic expert --
24 traffic engineer to give testimony, but generally
25 as a planner, is the area accommodated by public

1 transportation besides the parking that we're
2 providing?

3 MR. MICHELS: Yes. There's very
4 generous public transportation available, both on
5 Bergenline, JFK, and 32nd Street. There's also a
6 very large parking garage that's very close to the
7 facility as well. You know, we've found in the
8 past that these type of buildings in these
9 locations, adjacent to all these public
10 transportation, tend to have much lower parking
11 requirements.

12 I think the traffic engineer is going to
13 reenforce that, you know, and find that, you know,
14 that -- it's my opinion that this is adequately
15 parked, you know. There's excess parking here.
16 It will work fine, and it will have no negative
17 impacts on the neighborhood.

18 MR. LOPEZ: I have nothing else, if
19 there are any questions.

20 CHAIRPERSON GRULLON: Thank you. Do you
21 have any other witnesses?

22 MR. LOPEZ: I have a traffic engineer.

23 CHAIRPERSON GRULLON: We're just going
24 to leave the questions for the end.

25 MR. LOPEZ: Good. Connor.

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C O N N O R H U G H E S, after having been duly sworn or affirmed, did testify as follows:

MR. HUGHES: Connor Hughes, spelled C-O-N-N-O-R, last name Hughes, H-U-G-H-E-S.

MR. LOPEZ: And, Connor, you are from Dynamic Traffic, that's the name of your firm, correct?

MR. HUGHES: Yes, that's correct.

MR. LOPEZ: Connor, have you given testimony before this board previously?

MR. HUGHES: Not before this board, but I have been qualified as an expert in other boards in the state.

MR. LOPEZ: And, please give them just a general background as to your education and license, please?

MR. HUGHES: Sure. So I'm a New Jersey licensed professional engineer, I have a bachelor's of science in civil engineering from NJIT in 2017. So I've been practicing traffic engineering for about five years, through which time I've prepared hundreds of traffic impact studies, multiple in the City of Union City, and

1 numerous of which involve multifamily
2 developments.

3 CHAIRPERSON GRULLON: Have you testified
4 at other boards?

5 MR. HUGHES: Not before this board.

6 MR. LOPEZ: Other boards?

7 MR. HUGHES: Other boards, yes. Fair
8 Lawn, Union, couple of others as well.

9 CHAIRPERSON GRULLON: Thank you very
10 much. We accept your qualification.

11 MR. LOPEZ: Thank you.

12 MR. HUGHES: Thank you.

13 MR. LOPEZ: So your firm was also
14 involved with preparing the original traffic study
15 for the first approval; is that correct?

16 MR. HUGHES: Yes.

17 MR. LOPEZ: And did you familiarize
18 yourself with that the preparation of this current
19 study?

20 MR. HUGHES: Yes.

21 MR. LOPEZ: Were you actively involved
22 in the preparation of the new one?

23 MR. HUGHES: Yes.

24 MR. LOPEZ: Could you describe to the
25 board what, if any, additional impact you have

1 found based upon traffic conditions?

2 MR. HUGHES: Certainly. So as was
3 testified to earlier, previously approved was a
4 building of 27 units, we're now proposing 42
5 units, so an additional 15. When you look at the
6 traffic impacts and the trip generations
7 associated with that, utilizing ITE the Institute
8 of Transportation Engineers, they're essentially
9 the gold standard in traffic engineering for
10 developing trip rates. And based on that data
11 point and comparing to the previous approval,
12 there's only projected to be about 5 additional
13 peak hour trips, during both the a.m. peak hour
14 and the p.m. peak hour. So the increase from what
15 was previously approved to now can be considered
16 minimal. And, in fact, the ITE, as well NJDOT,
17 Department of Transportation, they set forth the
18 threshold of 100 trips being considered a
19 significant increase in traffic. So with only 5
20 additional trips from the previous approval, it's
21 safe to say these additional trips would be
22 considered an insignificant amount.

23 MR. LOPEZ: Let me ask you just one
24 thing, so we clear it up right from the beginning.
25 Last time, we were closer to the pandemic and one

1 of the questions that I remember from the chairman
2 is what numbers are we using? Are you using real
3 numbers? Are you using reduced pandemic numbers
4 in terms of traffic when you conducted the study?

5 MR. HUGHES: So the original counts were
6 conducted in 2020 during the pandemic. However,
7 we compared those counts to pre-COVID data points
8 in the area and adjusted those numbers so that
9 they reflect more typical conditions pre-pandemic.
10 So the analysis that we utilized with the traffic
11 volumes reflect typical traffic volume.

12 MR. LOPEZ: So what you testified to,
13 which would be 5 peak hours trips, are real time,
14 real conditions outside of the COVID period; is
15 that correct?

16 MR. HUGHES: Yes, that's correct.

17 MR. LOPEZ: Please go on for whatever
18 else you need to tell the board?

19 MR. HUGHES: As we mentioned and I'll
20 mention also for traffic impacts, when you look at
21 the level of service comparison, level of service
22 being the way we analyze the operations of
23 intersections, compared to the previous approval,
24 the level of services have not changed. The
25 operations are projected to be the same as the

1 previously approval. So there aren't any changes
2 in that aspect as well.

3 In terms of the parking, our architect
4 reflected on it a little bit, but I'll go into a
5 bit more detail. So as we mentioned, we're
6 proposing 49 spaces whereas 79 are required per
7 RSIS, Residential Site Improvement Standards. So
8 we are requesting a variance for the parking
9 requirement. However, based on the setting of the
10 site, the urban setting, RSIS allows deviations
11 from the requirements they set forth based off
12 certain characteristics, such as household
13 characteristics, mass transit availability,
14 urban-suburban locations, as well as offsite
15 parking resources. So just to touch on each of
16 those. In terms of household characteristics, we
17 took a look at the census data for the immediate
18 area surrounding the site. Specifically, we
19 looked at the vehicle availability per household.
20 And those numbers equated to 0.6 vehicles per unit
21 for rental households. And when you equate that
22 to our proposed 49 -- 42 units, that equates to 26
23 spaces that we would be required for those census
24 data points. And again there's a large
25 availability of mass transit, it's a very

1 convenient option if you work in New York City,
2 live here, hop right on the bus, train, get right
3 over there. So there's plenty of availability in
4 terms of mass transit. And the parking garage
5 just down the street as well, which would be
6 available. And generally street parking as well,
7 if available.

8 And I'll also note that ITE also does
9 set forth parking generation data points. And in
10 a dense multi-use urban area, which is the setting
11 that they have, their research indicates 0.9
12 vehicles per unit as a parking demand, which
13 equates to 38 spaces and we meet that with our 49
14 proposed.

15 So just based on those different
16 characteristics, those different data points, and
17 just the general urban nature and setting of the
18 site with mass transit availability, I do feel
19 that the proposed 49 spaces will be sufficient for
20 the demands of the site.

21 MR. LOPEZ: Okay, I have nothing else.

22 CHAIRPERSON GRULLON: Thank you. Do you
23 have any other witnesses?

24 MR. LOPEZ: I have no other witnesses.
25 The principal of the project is here if the board

1 has any questions for him.

2 CHAIRPERSON GRULLON: No, no. Let me
3 start with the traffic engineer and thank you for
4 the presentation. First, you mentioned that you
5 did the analysis real time?

6 MR. HUGHES: Yes.

7 CHAIRPERSON GRULLON: When was that
8 done? Do you have the dates?

9 MR. HUGHES: The counts were conducted,
10 let me just -- October 2020, so we took -- so the
11 counts were conducted October 2020, but we
12 compared those to pre-COVID conditions.

13 CHAIRPERSON GRULLON: It was during the
14 weekday?

15 MR. HUGHES: Sorry. That was, yes,
16 Thursday.

17 CHAIRPERSON GRULLON: On a Thursday,
18 okay.

19 MR. LOPEZ: That's for the original and
20 you've updated?

21 MR. HUGHES: Correct.

22 CHAIRPERSON GRULLON: Mr. Lopez, you
23 mentioned that you had a discussion with the City,
24 there's going to be a school constructed in that
25 area?

1 MR. HUGHES: Yes.

2 CHAIRPERSON GRULLON: Was that
3 information taken into consideration for the
4 traffic counts?

5 MR. HUGHES: Yes.

6 MR. LOPEZ: Let the engineer handle
7 that. That's a very good question, which we did
8 not discuss. You are aware of the school that's
9 coming up right here, where that -- all the way to
10 the right where the surface lot is, correct?

11 MR. HUGHES: Yes. We did take that into
12 account in our analysis. So when we project our
13 future conditions, we establish first what's
14 called a no-build condition and that takes into
15 account general background growth, population
16 growth in the area, as well as adjacent
17 developments. So in those adjacent developments,
18 we did include traffic associated with the school.
19 And that's reflected in our future analysis.

20 MR. LOPEZ: Now, on that subject, when
21 you said that the building has a projected a.m.
22 peak time and a p.m. peak time, does the p.m. peak
23 time, would it -- do you believe it would coincide
24 with what the school peak time is?

25 MR. HUGHES: No, I do not. So school

1 would typically dismiss, you know, midafternoon,
2 whereas the peak hour of the roadway is typically
3 a little bit later, you know, between 4:30 and
4 6:30, that's when we conduct our peak hour traffic
5 counts. So having those offset peaks will help
6 alleviate and the peak of the building will also
7 be around the peak hour of the roadway when
8 residents are coming home from work or elsewhere.
9 So those offset peak hours will then work together
10 in that sense.

11 CHAIRPERSON GRULLON: Okay. And so
12 you're familiar with the area, you know that 36th
13 Street is a one way street going east --

14 MR. HUGHES: Yes.

15 CHAIRPERSON GRULLON: -- going to
16 Bergenline and Bergenline is a very busy
17 intersection at any time of the day, it's super
18 busy. It's going to be even more busy when we
19 open the school. Currently there's no traffic
20 light at --

21 MR. LOPEZ: There's no traffic light on
22 36th and Bergenline.

23 CHAIRPERSON GRULLON: I can't imagine
24 how the traffic's going to back up when we have
25 the school open. And by looking at the layout of

1 the parking lot, your entrance and exit is
2 through 36th Street?

3 MR. LOPEZ: Correct. If you will
4 recall, we had an alternate proposal last time.
5 And it was deemed that this was the better
6 alternative to exit on 36th Street. If you will
7 recall our original design called for an exit onto
8 35th Street. But the board determined that 35th
9 Street was narrower and the traffic would be
10 exiting from the parking lot onto 35th Street. So
11 the board asked us to redesign the building, for
12 which we came back asking us to maintain one
13 driveway on 36th Street exclusively. So that was
14 done at the board's request.

15 VICE CHAIRPERSON GUTIERREZ: I don't
16 recall that.

17 MR. LOPEZ: Oh, yes.

18 CHAIRPERSON GRULLON: I think that
19 was -- I don't recall that personally.

20 MR. LOPEZ: The original, our original
21 proposal --

22 CHAIRPERSON GRULLON: I thought it was
23 part as a condition to exit on 35th Street.

24 MR. LOPEZ: No, Mr. Chairman, it's the
25 other way around. Our initial proposal, we

1 thought that it was a better alternative to exit
2 to 35th. But at that meeting, the board
3 determined that 35th Street that would add much
4 more volume and asked us to modify the plans to
5 what was approved, in essence. Well, we have the
6 drawings that were approved.

7 MR. PANEQUE: Do you have the resolution
8 and the drawings that were approved?

9 MR. LOPEZ: I believe so.

10 The very last page of the resolution, as
11 Item 3, I'm going to read it verbatim. "The
12 applicant shall amend the plans to provide for
13 closing of the exit on 35th Street, provide the
14 mirrors and strobe lights by the entrance and exit
15 of the parking lot garage on 36th Street, and
16 lighting around the building as well as trees."

17 MR. PANEQUE: I do have a recollection
18 of that, Mr. Lopez, now that it's been brought to
19 our attention. And that was a condition of the
20 board.

21 CHAIRPERSON GRULLON: Okay. The way I
22 see it now --

23 MR. LOPEZ: We're obviously open --

24 CHAIRPERSON GRULLON: I can see problems
25 with the school opening soon and having only one

1 entrance to the building and the same exit to the
2 building, plus that's the street go to the school
3 and used to go the parking garage, that will be a
4 lot of traffic in the area. That's why I asked to
5 see if that was taken into consideration.

6 MR. LOPEZ: Part of the original design,
7 I'm sorry to interrupt you, what we had originally
8 thought when we came in with the first design is
9 that if we created an entrance on 36th Street,
10 traffic going to this building would never go
11 beyond that point. It would get on the 36th
12 Street side and it would exit on 35th. The
13 engineer, Connor's partner at the time had
14 indicated that possibly one of the alternatives
15 that the City would consider is reversing the flow
16 of traffic on Central Avenue because that then
17 provided more exit points for traffic on 35th
18 Street. People can make a left onto Central, they
19 could go all the way to 32nd, they can make a left
20 onto 34th, so it would provide many more
21 alternatives.

22 I understand your point perfectly. I
23 think our original design maybe at this point
24 makes sense, it would involve -- wouldn't
25 involve -- it would obviously some redesign. The

1 architect can certainly tell us, but yes, can we
2 redesign it in that fashion, absolutely.

3 MR. PANEQUE: You want to consult with
4 your architect, Mr. Lopez, we're going off the
5 record a minute.

6
7 (Discussion held off the record.)

8
9 MR. VALLEJO: On the record.

10 MR. LOPEZ: So certainly, we would have
11 to make modifications relating to traffic. We
12 will probably because the electrical vault room
13 has to be relocated, we would probably lose a
14 space or two. So what we are considering is
15 reducing the number of units, maybe by five units.
16 So it would be 37 rather than 42 to account for
17 the additional loss of space and the driveway.

18 Obviously, I think -- I mean I leave it
19 to the board, the changes are substantial enough
20 where I guess you would want to see revised
21 drawings.

22 CHAIRPERSON GRULLON: Definitely, I
23 believe we would need to see revised drawings on
24 this. And, again, just try to consider getting
25 the ratio of parking as close as possible to 1.4.

1 MR. LOPEZ: Understood.

2 CHAIRPERSON GRULLON: As the previous
3 approval.

4 MR. LOPEZ: Right. By lowering it by
5 five units, we're very, very close to the same
6 ratio that we had before. Also I indicated to the
7 traffic engineer, Connor will redo the study based
8 upon now the different entry and exit points.

9 CHAIRPERSON GRULLON: Yes, correct.

10 MR. LOPEZ: Before we adjourn on this
11 matter, I would ask that Iliana Falcon, who's a
12 neighbor on 35th Street, she wants to address --

13 CHAIRPERSON GRULLON: Definitely.

14 MR. LOPEZ: -- the issue also.

15 CHAIRPERSON GRULLON: If you don't have
16 any --

17 MR. LOPEZ: We don't.

18 CHAIRPERSON GRULLON: -- witnesses, I'll
19 open to the public.

20 MR. LOPEZ: Right.

21 CHAIRPERSON GRULLON: And now the public
22 wants to step forward?

23 MR. LOPEZ: Obviously now, we'll be
24 redesigning everything and she'll get another
25 opportunity.

1 MS. FALCON: What I'm going to say now
2 will work?

3 MR. LOPEZ: She's going to swear you in
4 first.

5
6 I L I A N A F A L C O N, after having been duly
7 sworn or affirmed, did testify as follows:

8
9 MS. FALCON: Iliana Falcon, that's
10 I-L-I-A-N-A F-A-L-C-O-N.

11 MR. LOPEZ: Tell them where you live.

12
13 MS. FALCON: I live on 35th Street, I'm
14 Lot 15. My house is going to be the back of the
15 building. So I have several issues or several
16 comments to make. The traffic is one that we had
17 and now that you're putting the exit on 35th
18 Street, it's -- now, it's taking at least 10,
19 15 minutes to exit the driveway, I have a
20 driveway. Just to exit, just to get out of my
21 driveway on 35th, imagine when you put there a
22 school, a board of education, and this building.
23 How many hours do I need to get out of the house?
24 I'm just thinking I would like someone to actually
25 go over there, peak time or any regular time and

1 see the amount of traffic that we have. I mean
2 I'm not just trying to complain, I do not want to
3 stop anything. I just want a solution, that's
4 what I'm looking. I want a solution for the whole
5 community because we're really crowded.

6 CHAIRPERSON GRULLON: No, I know.

7 MS. FALCON: It's very, very crowded.

8 MR. LOPEZ: And, Mr. Chairman, she was
9 here last time on the original approval, we
10 discussed this. And we're going to suggest to the
11 City that at the very minimum, the traffic flow on
12 Central, a bit of a change there. We talked about
13 it last time and we still think it would improve
14 conditions for neighbors in that area. Because it
15 provides another access point rather than, as
16 she's describing, all the way down to Kennedy
17 Boulevard.

18 CHAIRPERSON GRULLON: Yes. Ms. Falcon,
19 I understand the situation where you are and I've
20 been through the area. And the traffic, it gets
21 really bad when approaching Kennedy Boulevard.
22 There's no question at Kennedy Boulevard it gets
23 really bad. And I know there will be some things
24 that they might need to address to alleviate that,
25 whether they change the traffic on Central Avenue

1 or maybe they put a traffic light into the
2 Boulevard. That's something that may alleviate
3 the situation. But by leaving the parking lot
4 right now that is on 35th, that exit, I don't see
5 that many vehicles exiting at any point, maybe
6 like one every two or three minutes.

7 MS. FALCON: Well, I'm not an expert on
8 this --

9 CHAIRPERSON GRULLON: The traffic right
10 now is more generated for that reason because of
11 the parking deck.

12 MS. FALCON: We have all the parking
13 lot, we have the church also that -- we also have
14 a church that has mass, has all these things.
15 It's also traffic. And I mean when you have the
16 other, the school and the Board of Ed building,
17 it's going to generate a lot more parking, a lot
18 more traffic also.

19 The other thing is you have closed
20 Kennedy Boulevard, so we can only go what, right?
21 We can not go left?

22 CHAIRPERSON GRULLON: Yes.

23 MS. FALCON: So everybody has to -- yes,
24 35th is down, sorry I'm not an expert on this. So
25 this is just my way to point, so this is down and

1 then you have to make a right, correct?

2 CHAIRPERSON GRULLON: Yes, a right.

3 MS. FALCON: So you have to -- someone
4 have to let you go from Kennedy. Do you know how
5 difficult it is? Someone to let you pass?

6 CHAIRPERSON GRULLON: Yes, I know, I
7 know. I've been there, I've been there.

8 MS. FALCON: Have you been there?

9 CHAIRPERSON GRULLON: I've been there.

10 MS. FALCON: How difficult is that, you
11 tell me? I mean I go there, I stand there and
12 people just don't let me go. So I have to take
13 time exiting my driveway, time to go to Kennedy
14 because I only have one way to go, I have no other
15 way. So before, we had the option to go left and
16 right, so that opened more. I don't know if it
17 makes sense.

18 CHAIRPERSON GRULLON: Mr. Lopez, was
19 that part of your traffic study?

20 MR. LOPEZ: Yes, absolutely.

21 CHAIRPERSON GRULLON: For the next
22 meeting, we're here to work with the neighbors and
23 make sure that any concern they have, we address.
24 Maybe that was one of the reasons we were trying
25 to send traffic over to Bergenline, you know, as

1 exiting the building. But if we have a school,
2 the entrance to the garage, parents dropping off,
3 staff coming to the school, it's going to be a
4 really difficult situation for Kennedy Boulevard,
5 even Kennedy Boulevard is going to be backed up.

6 MR. LOPEZ: Part of what we were
7 discussing with the traffic engineer is looking at
8 different solutions, including reversing Central
9 Avenue and how that would adjust for the traffic
10 flow. They will do a brand new study based on
11 April or May numbers, so we can have it ready and
12 it will be actual numbers. And the study will
13 include the different options on Kennedy, on
14 Central Avenue, the exit on 35th and the entrance
15 on 36th. So all that will be taken into
16 consideration.

17 CHAIRPERSON GRULLON: Thank you. Ms.
18 Falcon --

19 MR. LOPEZ: She has other issues, which
20 we discussed and agreed. But I think best once we
21 show the revised drawings, the fence, the gate
22 that we've agreed to discuss with her. So next
23 meeting.

24 MS. FALCON: Next meeting, okay. I
25 just want to make sure that my house, the back of

1 my house is the back of the building that they
2 taking down. I don't want to wake up one morning
3 and have no holes. So I want to be sure I have a
4 wall there.

5 MR. LOPEZ: So the warehouse that will
6 be taken down butts up right against the second
7 building on her property. And we're making --
8 we're bringing in an engineer, but that would be
9 part of the construction. And I'm telling her
10 that she will be involved in every aspect of that.
11 We've also agreed to put a fence to provide -- and
12 gates as the engineer discussed, that we've.
13 Discussed all of this with her. I told her we
14 would get it on the record. And we will do so
15 next time.

16 CHAIRPERSON GRULLON: You're going to
17 have a setback with her property?

18 MR. LOPEZ: They all have a setback of
19 about 4 foot.

20 CHAIRPERSON GRULLON: Okay.

21 MS. FALCON: Okay.

22 MR. LOPEZ: So next meeting.

23 MS. FALCON: Thank you.

24 CHAIRPERSON GRULLON: Thank you.

25 VICE CHAIRPERSON GUTIERREZ: Thank you.

1 MS. FALCON: And I hope you can fix the
2 traffic really, for all of us. Not just for me,
3 I'm not the only one complaining. For everybody.
4 Thank you.

5 MR. LOPEZ: Thank you so much.

6 MR. PANEQUE: Mr. Lopez, before we have
7 formal vote on your application to adjourn, do you
8 think you have enough time with a one-month
9 adjournment or do you need more time based on the
10 changes that have to be done?

11 MR. LOPEZ: We'll be ready in one month.

12 MR. PANEQUE: Okay. Mr. Vallejo, can
13 this be --

14 MR. VALLEJO: May 12th.

15 MR. PANEQUE: May 12th.

16 MR. VALLEJO: Same place.

17 MR. PANEQUE: It's going to be no
18 further notice required.

19 CHAIRPERSON GRULLON: I need to close to
20 the public. Before I close it to the public, any
21 other member of the public want to step forward on
22 this application? Seeing none, close to the
23 public.

24 MR. PANEQUE: The request is to adjourn
25 to the May 12th meeting, no notice is required.

1 Anybody who is here on this application, the
2 matter is going to be adjourned to the May 12th
3 meeting at this location at 6:00 p.m. You will
4 not search any further notice, this is the only
5 notice you will get.

6 MR. LOPEZ: I'll retain the exhibits for
7 next time.

8 MR. PANEQUE: Thank you.

9 MR. LOPEZ: Thank you so much.

10 MR. VALLEJO: Motion on the table to --

11 CHAIRPERSON GRULLON: I make a motion to
12 carry this to the May 12th.

13 MR. VALLEJO: Motion on the table to
14 adjourn this application by Mr. Grullon to
15 May 12th.

16 VICE CHAIRPERSON GUTIERREZ: Second.

17 MR. VALLEJO: Seconded by Ms. Gutierrez.
18 Roll call on the motion to adjourn this
19 application. Mr. Grullon.

20 CHAIRPERSON GRULLON: Yes.

21 MR. VALLEJO: Ms. Gutierrez.

22 VICE CHAIRPERSON GUTIERREZ: Yes.

23 MR. VALLEJO: Mr. Garcia.

24 MR. GARCIA: Yes.

25 MR. VALLEJO: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Mr. Cetinich.

5 MR. CETINICH: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

8 MR. VALLEJO: Seven in favor, motion
9 carries. No new notice required.

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1 **Kevin Fernandez -**
2 **201 New York Avenue:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Kevin Fernandez, 201 New York
6 Avenue. Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect as
8 follows:

9 I've been provided by Ms. Pereiras with
10 a certification as to publication and service
11 indicating that notice of tonight's hearing with
12 respect to the property at 201 New York Avenue was
13 provided to all property owners within a 200 foot
14 radius as well as having been published in the
15 local newspaper.

16 I've been provided with a copy of the
17 notice that went out to all property owners and
18 I've also been provided with an affidavit from The
19 Jersey Journal with a date of publication of
20 April 2, 2022. Said affidavit indicates that a
21 notice was published giving notice of tonight's
22 hearing, here at the Union City High School for
23 the property located at 201 New York Avenue.

24 I've also been provided with the tax
25 list from the Union City tax assessor's office

1 with a date of March 28, 2022, noting all property
2 owners within the 200 foot radius of 201 New York
3 Avenue. I've also been provided with the
4 certified mail receipts with a postmark date of
5 April 4, 2022. Ms. Pereiras, you like to cut it
6 right on the money.

7 MS. PEREIRAS: I do.

8 MR. PANEQUE: Based on the documents
9 that have been provided, this board has
10 jurisdiction to proceed and hear this matter.

11 MS. PEREIRAS: Thank you very much,
12 counsel. Good evening, Mr. Chairman, members of
13 the board, may it please the board, Bianca
14 Pereiras on behalf of Mr. and Mrs. Kevin Fernandez
15 for the property located at 201 New York Avenue.
16 I decided to bring this application before the
17 board for a few reasons. First of all, Mr.
18 Fernandez was born and raised in Union City and it
19 was his goal and his dream to raise his family
20 here in town and it looks like he has found the
21 perfect location to do that.

22 This property is on the corner of 2nd
23 Street and New York Avenue. The board may recall
24 this area very well because most of the properties
25 on 2nd Street were devoured by a fire several

1 years ago. And little by little, this board saw
2 applications to rebuild this street. In fact,
3 thanks to the efforts of Mr. Pereiras, some of our
4 prior clients, and efforts of this board, that
5 street has been rebuilt quite beautifully. We
6 have one expert to testify before the board this
7 evening. Our applicants are also here if the
8 board has any questions of them. But I'd like to
9 begin Mr. Manuel Pereiras.

10
11 M A N U E L P E R E I R A S, after having been
12 duly sworn or affirmed, did testify as follows:

13
14 MR. PEREIRAS: Manny Pereiras,
15 P-E-R-E-I-R-A-S, for Pereiras Architects
16 Ubiquitous, 1116 Summit Avenue, Union City.

17 CHAIRPERSON GRULLON: We accept your
18 qualifications.

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

20 MS. PEREIRAS: Mr. Pereiras, are you
21 familiar with the property at 201 New York Avenue?

22 MR. PEREIRAS: I am.

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

25 MR. PEREIRAS: I did.

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

3 MR. PEREIRAS: I'd be very happy to.
4 Counsel made a very good description. We all know
5 this block, it's the west side of the 200 block on
6 New York Avenue. The houses that have been built
7 are very beautiful. This is that missing piece,
8 it's the missing tooth --

9 CHAIRPERSON GRULLON: This is the last
10 lot?

11 MR. PEREIRAS: This is the last one and
12 it's --

13 CHAIRPERSON GRULLON: It's been quite a
14 few times on that block.

15 MR. PEREIRAS: And it's honestly the
16 most beautiful one and the most important one. It
17 really creates a key point, almost like the anchor
18 for the block. And I think what we presented and
19 we're presenting here tonight, you're going to
20 very happy with. First and foremost, it is a
21 two-family house. I'd actually like to go almost
22 a little bit further. It's really a beautiful,
23 beautiful one-family house with a small studio.
24 And I'll explain that as we go through the
25 drawings. And this has been built, catered

1 specifically for Kevin and Melissa who want to
2 build their family here after they build this
3 house. So it's been a pleasure to work with them
4 and be able to present this beautiful house to
5 you.

6 As you know, this block is characterized
7 by undersized lots. All the houses on this block
8 only have an 80 foot depth, and they're very
9 narrow. This is actually one of the widest on
10 this block, which is at 20 feet. But this
11 condition where we have 20 feet in width for the
12 site and 80 feet in depth, which are two
13 preexisting nonconformities and a preexisting
14 nonconformity as far as lot area, which we are
15 1,600, this creates the hardship that presents the
16 variances that we have before you today. That, as
17 well as keeping with the character of the
18 neighborhood.

19 Another variance that we have for you
20 are side yard setbacks. Every single house on
21 this block has a zero side yard setback, not only
22 because of the width of the lots, but also because
23 of the character. They're like these
24 brownstone-ish type row houses that are meant to
25 be next to each other. So, of course, that's

1 another variance that we're presenting for you
2 today.

3 Where we can comply, we are complying.
4 Front yard setback, we have 10 feet. So we're in
5 full compliance there. We're in full compliance
6 of lot coverage, we're at 89.6 percent. We made
7 sure that we kept that below the requirements.
8 We're providing sufficient parking. We have two
9 parking spaces for Kevin and Melissa and one
10 parking space for the studio apartment. So we
11 don't need a variance there as well.

12 We do need a variance for rear yard
13 setback, but that's really a condition of how you
14 look at this. This is a corner lot and 2nd Street
15 being here, the back of the house is really a side
16 yard, if you're looking at it from 2nd Street. So
17 we presented it and we treated it as a side yard.
18 And we're providing three foot setback there.
19 Remember we're dealing with a smaller lot, so
20 every square inch counts and is very important.

21 The front of the house, I mentioned that
22 we have a ten foot setback, we're creating a lot
23 of grass area in that ten foot setback. I thought
24 that was very important, introduce landscaping.
25 It's that corner, it's right opposite a park. We

1 wanted to maintain greenery there. And I think we
2 were able to do that. Another reason we did not
3 want to have a driveway entrance so close to the
4 corner there. So we replaced that driveway
5 entrance and all that pavement with that green
6 area, which really compensates for the rest of the
7 block that doesn't have any landscaping there.

8 The driveway cut is put on the 2nd
9 Street side and we have a driveway cut that's
10 26 feet wide, that's wide enough so we can get the
11 three cars inside. And I'll show you when I move
12 to the floor plans in a second. But we did that
13 so that we're far away from the corner, it creates
14 for a very safe circulation in and out of this
15 property.

16 We are providing site trees along the
17 sidewalk, as shown, which adds to the beauty of
18 the neighborhood and this house.

19 I'm turning now to sheet 02, by the way,
20 these are the same documents that were submitted
21 to the board, simply on the easel. And on sheet
22 02, we see our floor plan. We have the ground
23 floor. The ground floor shows our parking for
24 three cars, two for the family, one for the studio
25 apartment. In the back portion of this property,

1 you see the studio apartment. Opening from 2nd
2 Street, you have a very simple studio apartment,
3 it's 18 feet by 23 feet wide. It has a total of
4 400 square feet. We have an living room area, we
5 have a bed area. We have a nice sized bathroom
6 and an eat-in kitchen. So it's a simple apartment
7 and it's on the ground floor, so it really helps
8 anybody that has a disability. It's easily
9 accessible there on the ground floor. And it has
10 windows, both to the rear and to the -- forward to
11 2nd Street.

12 We have the garage that we mentioned.
13 We do have a hot water heater in the garage as
14 well, so it helps with some of the utilities. And
15 then we have a home office. After COVID we all
16 know how important a home office is. So now,
17 Melissa, when she gets tired of Kevin, she can
18 send him downstairs to the first floor and he's
19 there doing some work at that home office.

20 MR. VALLEJO: Hello, Kevin.

21 MR. PEREIRAS: So from that home office,
22 you can take the stairs up or enter the house from
23 New York Avenue as well. We're going to have a
24 nice large wide stoop, very beautiful. And
25 instead of having those long steps that we see,

1 it's actually just going to be four steps, very
2 beautiful nice wide stoop where you enter the
3 house.

4 You take the steps up to the first
5 living floor, the second floor of the house. And
6 then you have living area, nice and beautiful and
7 wide. You have the living room off New York
8 Avenue, you have a very large kitchen, beautiful
9 kitchen. And then the dining area in the back and
10 it's divided by a pantry, butler's pantry in
11 between the two.

12 From inside the apartment, you take the
13 stairs up and you have the duplex where you have
14 the bedrooms. You have bedroom number one, two,
15 and three, the primary bedroom along the back.
16 The primary bedroom has two walk-in closets, a
17 beautiful master bath. And they have a small
18 exercise room, so she can keep some exercise
19 equipment there.

20 And then finally, we go up one more
21 floor to the roof deck along that floor. I'll
22 remind you that they don't have a backyard, so
23 they need some type of outdoor space. We're
24 allocating that with the roof deck. We're fully
25 in conformance with the height, both in stories,

1 we have three stories, we're not pushing four
2 stories in any way, we're not playing with
3 heights, we're not changing, we're not creating
4 mezzanines. This is a very straightforward three
5 story house in compliance completely with the
6 height ordinance.

7 And then finally that leads us to the
8 elevations. And what we did is a very traditional
9 brick building that's going to fit and look
10 beautifully in that neighborhood. It takes into
11 consideration the historical value of Union City,
12 and the houses that we have that were built here
13 100 years ago and it tries to resemble that, yet
14 be modern at the same time.

15 We have a brick facade both on New York
16 Avenue and on 2nd Street and then vinyl on the
17 opposite sides. We have beautiful street face,
18 having nice headers over the windows. I believe
19 this house is exactly what we want in Union City
20 and I'm very broad to present to it to you today.

21 That conclude my testimony, although as
22 you know, I could talk a lot more if you need.

23 CHAIRPERSON GRULLON: Mr. Pereiras, the
24 elevation of the roof deck, it seems to me it's
25 something there, what is that?

1 MR. PEREIRAS: Yes. So I'll walk you
2 through the roof on the elevations. So this
3 portion over here, those are the stairs that lead
4 out to the roof deck. It's considered a stair
5 bulkhead, it's totally permitted --

6 CHAIRPERSON GRULLON: It's not like a
7 room?

8 MR. PEREIRAS: It's not a room at all,
9 it's just the stairs that you go up, so you can
10 come out to the deck.

11 CHAIRPERSON GRULLON: Since you've been
12 involved with the other lots, you would probably
13 match the brick color to the other site?

14 MR. PEREIRAS: I actually think it's a
15 mistake to match the colors so closely. We're
16 going to do -- we're actually looking for a
17 lighter brick color here. So we're doing do
18 something a little bit different, so it will look
19 like an individual house. But, yes, we'll make it
20 look beautiful with the block.

21 CHAIRPERSON GRULLON: It's like all
22 brick or you have siding?

23 MR. PEREIRAS: So we have brick along
24 New York Avenue, we have brick along 2nd Street.
25 And we're just proposing siding in the west side

1 where it's facing the other neighbor.

2 CHAIRPERSON GRULLON: Okay.

3 MR. PEREIRAS: It's not really visible.

4 CHAIRPERSON GRULLON: What is there?

5 What you call rear yard, that's like a side yard?

6 Is that behind that another property?

7 MR. PEREIRAS: There's another property
8 there. It's actually a property I worked on,
9 it's -- when I worked on it, it was mixed use. It
10 was daycare and then residential above. I believe
11 now the daycare is gone, I think it's all
12 residential. And that house is stepped back a
13 little bit, this not going to interfere with it in
14 any way.

15 CHAIRPERSON GRULLON: Okay. It's a
16 really nice house and I'm glad that we see a
17 resident, you know, young kids, the new generation
18 growing up here in Union City and staying in Union
19 City. The other thing that I don't know if this
20 is something that you want to consider, this, what
21 you have labeled as office, can that be labeled
22 like maybe a den or something?

23 MR. PEREIRAS: 100 percent, I actually
24 think that we'll label it a den.

25 CHAIRPERSON GRULLON: Remove that

1 office. We use the space as office anyway in the
2 house, we don't have to label it office.

3 MR. PEREIRAS: Correct.

4 CHAIRPERSON GRULLON: I don't have any
5 other questions on that application. Any other
6 member of the board? You don't have any other
7 witnesses?

8 MS. PEREIRAS: We do not.

9 CHAIRPERSON GRULLON: That concludes
10 your presentation?

11 MS. PEREIRAS: Yes.

12 CHAIRPERSON GRULLON: At this time, I
13 want to open to the public. Any member of the
14 public want to step forward? Hearing none, take
15 into consideration this is like one family, it's
16 conforming with the area, and it's going to be
17 occupied by the owner of the building, I make a
18 motion to grant this application.

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

21 MR. VALLEJO: Motion on the table to
22 grant this application by Mr. Grullon. Seconded
23 by Ms. Gutierrez. Roll call on the motion to
24 approve this application. Mr. Grullon.

25 CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.
2 VICE CHAIRPERSON GUTIERREZ: Yes.
3 MR. VALLEJO: Mr. Garcia.
4 MR. GARCIA: Yes.
5 MR. VALLEJO: Mr. Ortiz.
6 MR. ORTIZ: Yes.
7 MR. VALLEJO: Ms. Perez.
8 MS. PEREZ: Yes.
9 MR. VALLEJO: Mr. Cetinich.
10 MR. CETINICH: Yes.
11 MR. VALLEJO: Ms. Watley.
12 MS. WATLEY: Yes.
13 MR. VALLEJO: Seven in favor, motion
14 carries.
15 MS. PEREIRAS: Thank you all very much.

17 * * * *

1 **Lilian Leon & Alberto Santana -**

2 **311 45th Street:**

3
4 MR. PANEQUE: Let the record reflect as
5 follows:

6 I was provided by Ms. Pereiras with a
7 certification as to publication of service
8 indicating that notice of tonight's hearing with
9 respect to the property at 311 45th Street was
10 provided to all property owners within 200 foot
11 radius as well as having been published in the
12 local newspaper.

13 I've also been provided with a copy of
14 the notice that went out to all property owners
15 indicating tonight's hearing at this location in
16 Union City High School.

17 I've been provided with a copy of the
18 affidavit of publication which was accomplish on
19 April 2nd, for the property at 311 45th Street,
20 which lists the hearing location as the Union City
21 High School.

22 I've also been provided with a list from
23 the tax assessor's office with a date of
24 March 28th, listing all property owners within the
25 200 foot radius of 311 45th Street, as well as the

1 certified mail receipts with a stamp marked date
2 of April 4, 2022.

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

6 MR. VALLEJO: Lilian, Leon and Alberto
7 Santana, the applicants, 311 45th Street.

8 MS. PEREIRAS: Thank you. Again, Bianca
9 Pereiras on behalf of the applicant for the
10 property at 311 45th Street, also known as Lot 25
11 in Block 257. This property is located in the R
12 low density residential family zone where two
13 families are permitted and the applicant is
14 seeking to construct a new two-family home.

15 We have somewhat of an undersized lot,
16 so we trigger some variances due to the size. But
17 we have one expert to testify before you this
18 evening and that is our architect, Mr. Manuel
19 Pereiras.

20 MR. PEREIRAS: Manny Pereiras, I
21 recognize I am still under oath.

22 MS. PEREIRAS: Mr. Pereiras, are you
23 familiar with the property at 311 45th Street?

24 MR. PEREIRAS: I am.

25 MS. PEREIRAS: And did you prepare the

1 drawings that are before the board this evening?

2 MR. PEREIRAS: I have.

3 MS. PEREIRAS: Would you kindly describe
4 the proposed two-family for the board?

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

6 There are many similarities between this
7 application and the previous application. We are
8 presenting again a two-family house. And again we
9 have a little bit of an undersized lot. This lot
10 is 21 feet wide, although this is a much larger
11 lot than the previous application because it is
12 100 feet in depth. So we're able to have a lot
13 more compliance in this one than we had in the
14 previous application.

15 Let me just go through all the variances
16 that we're requesting. We have lot area because
17 we're at 2,100 square feet, where 2,500 are
18 required. Of course, there's no opportunity to
19 create more land here. There is the Columbia Park
20 behind this property and to the side of it. And
21 then there's already a built structure on the
22 property line to the east of this property. So
23 the applicant has no opportunity to create more
24 land on this site, which is the hardship that
25 triggers all the variances that we have because it

1 is 21 feet wide lot, 2,100 square feet. So we
2 have a lot width variance, which is a preexisting
3 nonconformity.

4 We tried to comply with everything else.
5 We do comply with front lot depth. Our front
6 yard, even though the adjacent property is a lot
7 closer to the property line, we wanted to be as
8 much in compliance with the ordinance as possible.
9 And we wanted to introduce some landscaping there
10 because it's right next to a park. So we pushed
11 this house back seven feet so we don't have a
12 front yard setback here, so that house is pushed
13 back seven feet.

14 On the side, towards the property that's
15 existing, the building, we made that a three foot
16 one setback along that side. And then the sides
17 towards the park, since it's open park and there
18 are no structures there, and since we have an
19 undersized lot, that's where we are asking for a
20 variance, we're asking for a side yard setback
21 variance just on that lot.

22 And then our rear yard, we're providing
23 the full 20 feet that's required of our ordinance.
24 Our height is three stories, 38 feet, exactly
25 what's permitted in the ordinance. And we're very

1 straightforward building, exactly what Union City
2 wants, which is two-family house. We parking on
3 the lower level, stairs that lead you up to the
4 next floor where there's an apartment and the next
5 floor, another apartment. And I'm going to walk
6 you through the drawings right now.

7 These drawings are the same drawings
8 that were submitted before the board and I'm
9 turning now to sheet Z02 where we can see the
10 floor plans. Floor plans are very
11 straightforward. You have entry along the front
12 with the curb cut along 45th Street, you enter.
13 We parking for four cars, two for each of the
14 apartments and they're in tandem, as a typical
15 design. That's one of the main reasons we had to
16 have a side yard setback because if we made that
17 more narrow, we wouldn't be able to fit cars side
18 by side, we couldn't accommodate the proper
19 parking. This way we can accommodate the proper
20 parking and there is no parking variance in this
21 application.

22 As you can see we have a full grass rear
23 yard, which is very nice because it's leading
24 towards the park. So it creates a lot more open
25 space for the park where the kids have the

1 playground along the back of the property.

2 This wall, which is on the property line
3 and on 45th Street, we're proposing full brick
4 there. So it's creating a beautiful back drop for
5 the park. Right now the park is facing a pretty
6 ugly wall from the apartment building that's
7 there. So now we're replacing that with a
8 beautiful brick wall, which I think makes a huge
9 benefit for the neighborhood, makes the park look
10 a lot more attractive as well.

11 As you go up to the apartments, through
12 the stairwell, you have two doors. So each
13 apartment has its own individual door from the
14 exterior. And you're led to an open living room,
15 dining room, kitchen layout and three bedrooms as
16 we typically see in Union City. The master
17 bedroom is 13 by 11-6. And then the kids'
18 bedrooms are 10-9 by 10 and 11 by 10-7.

19 And the apartment layout of stairs, the
20 stairs lead you a little bit further back, so the
21 bedrooms are split, two in the back and one in the
22 front. But it is also a three bedroom apartment.
23 We're not proposing any roof deck, we're not
24 proposing any additional changes. We simply have
25 brick in the front, brick on the side facing the

1 park, and then the back is siding. And I think
2 it's again another project which is exactly what
3 Union City is looking for in the new ordinance for
4 two-family houses, meeting all the requirements of
5 height. We do have preexisting nonconformities
6 for the lot. And we are asking for a side yard
7 back, but I think it's completely justified in
8 this scenario and doesn't hurt anybody. It
9 actually creates a very beautiful back drop for
10 the park. So I ask for your consideration on
11 this.

12 CHAIRPERSON GRULLON: Thank you, Mr.
13 Pereiras. I believe this is exactly what Union
14 City is looking for. And I know the only variance
15 you're asking for is because of the size of the
16 lot, nothing you can do about that. So 21 by 100
17 lot and you're short by 5 feet on the size the
18 lot. I don't have any objection to this
19 application, do you guys? Any board members?

20 Open to the public. Anyone from the
21 public want to step forward on this application?
22 Hearing none, close to the public.

23 I want to make a motion to grant this
24 application.

25 MR. VALLEJO: Motion on the table to

1 grant the application by Mr. Grullon.

2 VICE CHAIRPERSON GUTIERREZ: Second.

3 MR. VALLEJO: Seconded by Ms. Gutierrez.

4 Roll call on the motion to grant this application.
5 Mr. Grullon.

6 CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 VICE CHAIRPERSON GUTIERREZ: Yes.

9 MR. VALLEJO: Mr. Garcia.

10 MR. GARCIA: Yes.

11 MR. VALLEJO: Mr. Ortiz.

12 MR. ORTIZ: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Mr. Cetinich.

16 MR. CETINICH: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Seven in favor, motion
20 carries.

21 MS. PEREIRAS: Thank you all very much.

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1 **815 13th Street, LLC -**
2 **1218 Kennedy Boulevard:**
3

4 MR. VALLEJO: Next application on
5 tonight's agenda, 815 13th Street, LLC, 1218
6 Kennedy Boulevard. Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect as
8 follows:

9 I've been provided by Ms. Pereiras with
10 a certification of publication and service
11 indicating that notice of tonight's hearing with
12 respect to 1218 Kennedy Boulevard was provided to
13 all property owners within the 200 foot radius, as
14 well as having been published in the local
15 newspaper, The Jersey Journal.

16 I've also been provided with a copy of
17 the notice that went out, giving notice of
18 tonight's hearing with respect to the property in
19 question at this location, the Union City High
20 School.

21 I've also been provided with a copy of
22 the affidavit, which was published on April 4th in
23 The Jersey Journal with respect to the property at
24 1218 Kennedy Boulevard, giving notice of today's
25 hearing at the Union City High School.

1 I've also been provided with a copy of
2 the 200 foot list, which was done on March 25,
3 2022, by the Union City tax assessor's office as
4 well as the certified mail receipts with a
5 postmark date of April 4, 2022.

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

9 MS. PEREIRAS: Thank you very much.
10 Bianca Pereiras on behalf of the applicant, 815
11 13th Street, LLC, for property located at 1218
12 Kennedy Boulevard, also known as Lots 22, 23, 24,
13 27 in Block 57. The application is to construct a
14 covered terrace to an existing mixed use building.
15 This property has been a mixed use building for
16 several years, there's a restaurant on the first
17 and second floor and some residential units.

18 The application is looking to construct
19 some covered terraces to the front of the building
20 and also to the rear of the structure. We have
21 one expert to testify and that is our architect,
22 Mr. Manuel Pereiras.

23 MR. PEREIRAS: Manuel Pereiras, I
24 recognize I am still under oath.

25 MS. PEREIRAS: Mr. Pereiras, are you

1 familiar with the property at 1218 Kennedy
2 Boulevard?

3 MR. PEREIRAS: I am.

4 MS. PEREIRAS: And did you prepare the
5 drawings before the board?

6 MR. PEREIRAS: I have.

7 MS. PEREIRAS: Can you please describe
8 the property?

9 MR. PEREIRAS: I'd be very happy to. I
10 believe everyone, the board knows the site. It
11 was Conga Cafe for several years. Way before
12 that, you might remember parking your horse there
13 also.

14 This is a mixed use property as counsel
15 said. We are not proposing to make any changes to
16 any of the uses at the property. It is a
17 restaurant on the -- I'm going to call it the
18 ground floor because there's some topography on
19 the site. There's a prep kitchen on the lower
20 level, there's a banquet hall on the second floor.
21 And then there are apartments above that, as well
22 as apartments in the periphery of the site. We
23 are not proposing any changes to any of these
24 uses, they continue. What we are proposing to do
25 is a rebranding of this building, of this

1 restaurant. It's going to have a new name, a new
2 style, new flavor, new type of food, it's going be
3 called Manchego. And it's going to be Spanish
4 food and we are doing a full renovation of it.

5 And as part of that renovation, we're
6 really cleaning up this facade, making it a lot
7 more beautiful and taking into consideration all
8 the lessons that we learned from COVID. And that
9 is that if any restaurant want to survive, we need
10 outdoor space. It is critical to have outdoor
11 eating space and actually in Union City, we have
12 very limited outdoor eating space. We're hoping
13 to alleviate that in this application.

14 I'm going to walk you through the
15 drawings first on the site plan and then the more
16 detail in the plans and elevations. This is the
17 proper building, this is the stairwell that you
18 enter the restaurant, along the front, along
19 Kennedy Boulevard. That stairwell, we're
20 proposing a canopy over that stairwell, it's going
21 to have four fixed columns. It's going to be
22 tall, it's going to have signage on the front of
23 it. It's going to have a Spanish tile roof that
24 leads to the back of the restaurant. So that when
25 you're taking the steps into the restaurant,

1 you're protected from the elements. That was very
2 important. It's raining, it's snowing, it's icy,
3 you're taking these steps, now you're protected.
4 It's a very proper entrance for a restaurant.

5 Immediately to the right of that, if
6 you're facing Kennedy Boulevard, that's where
7 we're proposing an eat-in terrace. We're
8 elevating this, so that it's at level with the
9 restaurant and so that we can get parking below it
10 as well. So we'll be able to park cars below this
11 and it's going to be elevated and it's going to be
12 an enclosed terrace on the restaurant level.

13 And then the next level, at the banquet
14 level, you're going to have walkout terrace that's
15 open to the elements on that level as well. So
16 from the banquet hall, you'll have some outdoor
17 space as well. And you'll see that in floor plan
18 area. That terrace is 625 square feet per floor
19 that we're proposing.

20 Along the back of the property, we're
21 proposing an additional terrace that's 721 square
22 feet. So this is more low key and this is very
23 handicapped accessible, which we thought it was a
24 very important component to bring to the
25 restaurant. Since it's a preexisting restaurant,

1 not everything is handicapped accessible. This
2 will be. We have a ramp proposed along the back
3 that really creates beautiful access to that, so
4 everyone could enjoy dining at this restaurant.

5 Moving forward with the plans, we see in
6 the restaurant level, everything is the same in
7 the restaurant level, other than cosmetic changes.
8 You see the dining area to the back, which is
9 31 feet by 28 feet in size, 722 square feet in
10 total. And then the eating terrace that's going
11 to be enclosed on that level, which is basically
12 31 feet by 20 feet in size. And that's an
13 enclosed terrace.

14 And if you go one floor higher, that
15 same enclosed terrace is now -- the roof of it is
16 what we used for the banquet hall, it's the same
17 size for additional seating at that area as well.

18 From a facade standpoint, we see the
19 changes that we're providing. I'm going to use --
20 and I'll mark it -- should I mark this exhibit as
21 A-1?

22 MR. PANEQUE: Yes, please.

23

24 (Colored elevation marked A-1
25 for identification.)

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MR. PEREIRAS: For the record, I'm marking the top right hand corner A-1. I'm providing just a color version of this same elevation. Just so it's a little bit easier to read.

We see the entry canopy along the front over the stairs. And then the elevated terrace where dining is going to happen in an enclosed terrace on the second floor and an open terrace on the third floor. This portion that you see here is just a small little canopy against the building.

And as you can see, we're renovating the building, providing -- and this is important for the record as well, and for the resolution -- we're providing signage along this edge of the building, which I think fits and is eloquent with this property. And we have the dimensions of the signage on the elevations. We propose signage on the canopy, both on the front and on the sides. Those are the new signages that we're proposing. And we're replacing the signage on the pylon that's existing on the street. That's a preexisting thing, we don't need variance from

1 this board or acceptance from this board. But I
2 thought it would be good for you to be aware of
3 that. These signs are new signs we're proposing
4 and we do need that as the part of the resolution,
5 if this board were to approve that.

6 So in conclusion, we have a beautiful
7 new restaurant coming to town. Restaurants have
8 been devastated with COVID, I'm glad to see
9 something new coming into this area, bringing life
10 to the neighborhood. And I've been able to do
11 some taste testings with the chef and I can tell
12 you, I've enjoyed them very, very much. So I hope
13 you can enjoy them in the near future as well.

14 CHAIRPERSON GRULLON: Thank you, Mr.
15 Pereiras. That concludes your presentation?

16 MR. PEREIRAS: Yes, it does.

17 MS. PEREIRAS: Yes.

18 CHAIRPERSON GRULLON: Mr. Pereiras, I
19 don't know if you went through these, the zoning
20 table and the setbacks to the property?

21 MR. PEREIRAS: You're right, I didn't.
22 I'm going to just clarify everything and go
23 through the variances. These are all preexisting
24 non-conformances except for one and I'll explain
25 that one. We have a use variance because we have

1 a preexisting -- expansion of a preexisting use
2 here. We have front yard setback because the
3 building along 13th Street is only 3.2 feet away
4 from the property line. This is a preexisting
5 condition, which we're not changing or modifying
6 in any way whatsoever.

7 We have a rear yard issue, there
8 basically is no rear yard on this property and
9 that's a preexisting condition that we're not
10 changing in any way whatsoever.

11 Side yards, those are existing
12 nonconformities. We have a large side yard if you
13 consider the Kennedy Boulevard side on one side
14 and on the opposite side, we're at 3.1 feet and
15 zero if you count the parking and the existing
16 houses to the left. So that's a preexisting
17 nonconformity as well.

18 We have no variance as far as stories.
19 We have no variance as far as -- we have a
20 preexisting nonconformity when it comes to the
21 height of the building. This measures at about
22 40 feet, whereas 38 is permitted in the zone.

23 We have a preexisting non-conformance
24 when it comes to building coverage, we're at --
25 beyond the maximum here. And the lot coverage is

1 as well, we're basically at 100 percent lot
2 coverage. We're providing every piece of parking
3 that we can have.

4 Again, we are requesting a variance for
5 parking because we are creating these terraces and
6 we're adding square footage on the terraces, in
7 theory, that's more people that could come and
8 dine at that restaurant. So more people means
9 more parking requirement. And we're not adding
10 any parking here. However, I must say that the
11 former restaurant operated very well when it came
12 to parking. They had a valet service. That valet
13 service will continue on this project as well. It
14 functions very well. I went there very often and
15 I never had issues parking. And we have the
16 safety of 13th Street as well, the parking left
17 along 13th Street, right at the light. So it
18 didn't cause any back up or any trouble in that
19 neighborhood. Cars were never backed up to
20 Kennedy Boulevard and I don't expect any
21 difference here in this application as well. So
22 we ask you to consider a variance for parking.

23 CHAIRPERSON GRULLON: Okay. Mr.
24 Pereiras, only on the portion that you're going to
25 have the two new addition of roof deck, how is

1 this setback? The front one to the Kennedy
2 Boulevard side, is that -- do you have the
3 calculations for setback?

4 MR. PEREIRAS: We're well behind the
5 required setback. So if you can consider Kennedy
6 Boulevard a front yard setback, we would need
7 seven feet from that. And we're well past it,
8 we're probably around 16 feet. I don't have it
9 measured here and I would have to get a more
10 accurate number for you, but we're well beyond the
11 required.

12 CHAIRPERSON GRULLON: Is that considered
13 from the columns?

14 MR. PEREIRAS: From the point of the
15 columns to the property line, there's over
16 15 feet, probably around 17 feet. So we're well
17 set back.

18 CHAIRPERSON GRULLON: And what about the
19 one in the back, is that the same condition?

20 MR. PEREIRAS: The back is a different
21 condition. We're setting back three feet from the
22 property line. But that's also a much smaller
23 scale, that deck in the back is just on the ground
24 basically. It's just lifted so that we're -- you
25 know, a few inches. So that we're at level with

1 the restaurant floor, which is only about 14
2 inches over the ground. So it's not obstructing
3 anyone, it's not higher in any way, it's as if it
4 was like a backyard to the neighbors.

5 And what we're proposing there as a
6 screen, we're proposing a privacy fence along
7 there. So we're going to have -- and I believe my
8 drawings say an eight foot privacy fence, just so
9 that the neighbors aren't disturbed in any way if
10 people are dining there.

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

13 MS. MERTZ: Mr. Chairman, I just have
14 one, if it's okay? Can you just speak really
15 quickly to how refuse storage will be handled
16 on-site?

17 MR. PEREIRAS: So these are preexisting
18 conditions that aren't changing in any way. If
19 you -- I'll walk on the plan. The portion behind
20 this terrace, there is a gated garage area and
21 refuse is taken there. So it is actually
22 underneath this section over here.

23 MS. MERTZ: Thank you.

24 CHAIRPERSON GRULLON: It's going to be
25 kept indoors?

1 MR. PEREIRAS: It's all kept indoors,
2 yes.

3 CHAIRPERSON GRULLON: Questions? Anyone
4 from the public, want to open to the public.
5 Anybody from the public for this application?
6 Hearing none, taking into consideration it's going
7 to be renovating the entire site and it's a
8 restaurant that has been there for many years,
9 coming up with a new face and it's like -- I would
10 say it's like a landmark for you to see it because
11 it was called Frontier for many years, maybe
12 40 years ago. And that's still a restaurant, I
13 don't see any, you know, detriment to the
14 community. I think it's good. I make a motion to
15 grant this application.

16 VICE CHAIRPERSON GUTIERREZ: I'll
17 second.

18 MR. VALLEJO: Motion on the table to
19 grant the application by Mr. Grullon. Seconded by
20 Ms. Gutierrez. 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. Perez.
5 MS. PEREZ: Yes.
6 MR. VALLEJO: Mr. Cetinich.
7 MR. CETINICH: Yes.
8 MR. VALLEJO: Ms. Watley.
9 MS. WATLEY: Yes.
10 MR. VALLEJO: Seven in favor, motion
11 carries.
12 MS. PEREIRAS: Thank you all very much.
13 MR. PEREIRAS: Thank you, everyone.
14 Good night.
15 VICE CHAIRPERSON GUTIERREZ: Happy
16 Easter.

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1 **ADOPTION OF RESOLUTIONS:**

2
3 (1.) KW NJ Holdings, LLC, 610 25th Street. Block
4 143. Lot 19. The applicant proposes to construct
5 a new (2) two family house. **Approved**

6
7 MR. VALLEJO: We're moving to
8 resolutions now. There's only one resolution that
9 was approved at the previous meeting, KW NJ
10 Holdings, LLC, 610 25th Street.

11 Members present at that meeting was Mr.
12 Grullon, Ms. Gutierrez, Mr. Ortiz, Ms. Pena, she's
13 absent today, Ms. Perez, and Ms. Watley.

14 Can I have a motion to adopt this
15 resolution?

16 CHAIRPERSON GRULLON: Motion.

17 VICE CHAIRPERSON GUTIERREZ: Second.

18 MR. VALLEJO: Motion by Mr. Grullon,
19 seconded by Ms. Gutierrez. Roll call on the
20 motion. Mr. Grullon.

21 CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 MR. VALLEJO: Mr. Ortiz.

25 MR. ORTIZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Ms. Watley.

4 MS. WATLEY: Yes.

5 MR. VALLEJO: Five in favor, motion
6 carries.

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1 **ADJOURNMENT:**

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3 MR. VALLEJO: There being no other
4 applications on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 Motion by Mr. Grullon.

7 VICE CHAIRPERSON GUTIERREZ: Second.

8 MR. VALLEJO: Seconded by Mr. Ortiz.
9 All in favor?

10 (All board members indicated in the
11 affirmative.)

12 MR. VALLEJO: The ayes have it and thank
13 you. Good night. Let the record show the meeting
14 has ended.

15
16 (Whereupon the meeting was adjourned at
17 9:00 p.m.)
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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