

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, May 12, 2022  
Commencing at 6:19 p.m.

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

VICTOR M. GRULLON, Chairperson  
MARGARITA GUTIERREZ, Vice Chairperson  
MIGUEL ORTIZ  
ROSIO PENA, Alternate #1  
GERALDINE PEREZ, Alternate #2

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

LIBERO MAROTTA  
GEORGE GARCIA  
RAYMOND CETINICH  
MINDRY WATLEY

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

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Board Counsel

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Attorney for Applicant, 418 JPM  
Properties, LLC

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419 7th Street

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MANUEL PEREIRAS

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NO EXHIBITS MARKED

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Torres, Alejandro and Nancy  
209 19th Street

WITNESS

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NO

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NO.

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NO EXHIBITS MARKED

1 MR. PANEQUE: Good evening, ladies and  
2 gentlemen. Union City Zoning Board of Adjustment.  
3 Please take notice that on Thursday, May 12, 2022,  
4 at 6:00 p.m., a regular meeting is scheduled for  
5 the Union City Zoning Board of Adjustment to be  
6 held at Union City High School, located at 2500  
7 John F. Kennedy Boulevard, Union City, New Jersey.  
8 If we could all rise for the Pledge of Allegiance.

9  
10 (Whereupon, the Pledge of Allegiance was  
11 recited.)

12  
13 MR. PANEQUE: Adequate notice of this  
14 meeting has been provided as follows: Notice of  
15 this meeting setting forth the time, date,  
16 location and the agenda to the extent known was  
17 forwarded to The Jersey Journal, The Record, and  
18 The Hudson Reporter, has been posted on the  
19 bulletin board in City Hall and has been made  
20 available to the public in the office of the  
21 Municipal Clerk.

22  
23 **ROLL CALL:**

24  
25 MR. PANEQUE: Roll call for tonight's

1 meeting. Victor Grullon.

2 CHAIRPERSON GRULLON: Here.

3 MR. PANEQUE: Libero Marotta, absent.  
4 Margarita Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Here.

6 MR. PANEQUE: Miguel Ortiz.

7 MR. ORTIZ: Here.

8 MR. PANEQUE: George Garcia, absent.  
9 Rosio Pena.

10 MS. PENA: Here.

11 MR. PANEQUE: Geraldine Perez.

12 MS. PEREZ: Here.

13 MR. PANEQUE: Raymond Cetinich, absent.  
14 Mindry Watley, absent.

15 Let the record indicate there are five  
16 present. Those absent tonight are Libero Marotta,  
17 George Garcia, Raymond Cetinich, Mindry Watley.  
18 So we have a board of five members which  
19 constitute a full quorum to establish any  
20 decision.

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**ADOPTION OF MINUTES:**

Regular meeting held on April 14, 2022

MR. PANEQUE: Approval of previous meeting minutes from April 14, 2022. Motion to approve the previous meeting minutes.

CHAIRPERSON GRULLON: Motion.

MR. PANEQUE: Motion made by Chairman Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. PANEQUE: Seconded by Margarita Gutierrez. Roll call on the motion. Victor Grullon.

CHAIRPERSON GRULLON: Yes.

MR. PANEQUE: Margarita Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. PANEQUE: Miguel Ortiz.

MR. ORTIZ: Yes.

MR. PANEQUE: Rosio Pena.

MS. PENA: Yes.

MR. PANEQUE: Geraldine Perez.

MS. PEREZ: Yes.

MR. PANEQUE: Five affirmative votes, motion carries.

1     **Bernardino Saavedra -**  
2     **3806 New York Avenue:**

3  
4             MR. PANEQUE: Tonight's agenda, we're  
5 starting with the first application, hearing  
6 application Bernardino Saavedra, property at 3806  
7 New York Avenue. Mr. Alonso. Let the record  
8 reflect that Mr. Alonso is not here, however, he  
9 has provided through attorney Bianca Pereiras, the  
10 following documentation:

11             I've been provided with an affidavit  
12 that indicates that Mr. Alonso gave notice of  
13 tonight's hearing for the property in question,  
14 3806 New York Avenue, Union City, New Jersey.

15             I've also been provided with a copy of  
16 the affidavit from The Jersey Journal indicating  
17 that notice of tonight's hearing was published on  
18 April 30, 2022; said affidavit indicates that on  
19 Thursday, May 12th, a public hearing will be held  
20 at this location with respect to the property at  
21 3806 New York Avenue.

22             I've also been provided with a copy of  
23 the notice that went out to all property owners  
24 within the 200 foot radius, as well as a list from  
25 the tax assessor's office with a date of

1 April 27th, listing all property owners within the  
2 200 foot radius of the property located at 3806  
3 New York Avenue.

4 And finally, I've been provided with the  
5 certified mail slips indicating that notice was  
6 given to the post office on May 30th. I had to  
7 figure it out, where the arrow was pointing, so  
8 the mail May 30th.

9 Based on the documentation that has been  
10 provided, this board has jurisdiction to proceed  
11 and hear this matter. Ms. Pereiras, you have an  
12 application to the court on behalf --

13 MS. PEREIRAS: Just to clarify, the date  
14 that the notices were sent out, don't it could  
15 have been May 30th and I didn't review it myself,  
16 I apologize.

17 MR. PANEQUE: You're right, today is  
18 May 12th.

19 MS. PEREIRAS: Correct.

20 MR. PANEQUE: Thank you for bringing  
21 that to my attention. It appears that the  
22 postmark stamp is dated May, however, in carefully  
23 looking at the stamp, it does appear that it's  
24 listed as May 2021, so the stamps are all May 20,  
25 2021, and the arrow is pointing towards the 30.

1 MS. PEREIRAS: If I may approach just to  
2 look at that because that can't be.

3 MR. PANEQUE: This what I'm going to  
4 suggest then. Provided that Mr. Alonso submit  
5 proof that the notices went out April 30th, which  
6 is I think the intent here, because the arrow is  
7 pointing to 30, it's just the other section that  
8 they didn't adjust for the stamp. Provided that  
9 at the next meeting he provides proof that the  
10 notices were certified on April 30th, this board  
11 will then have jurisdiction. There's no effect if  
12 it isn't because it's being carried.

13 MS. PEREIRAS: Okay.

14 MR. PANEQUE: Advise Mr. Alonso if he  
15 cannot provide that proof, then he would have to  
16 renotice.

17 MS. PEREIRAS: Understood.

18 MR. PANEQUE: And do you have an  
19 application?

20 MS. PEREIRAS: Yes. Unfortunately, the  
21 applicant's architect was unable to testify at  
22 tonight's meeting. So we are respectfully  
23 requesting this matter be carried.

24 MR. PANEQUE: Mr. Chairman --

25 CHAIRPERSON GRULLON: Being that we have

1 jurisdiction of this application, I make a motion  
2 to adjourn this application to the next board  
3 meeting, which is --

4 MR. PANEQUE: The next board meeting  
5 will be June 9th, that's the second Thursday in  
6 the month.

7 MR. ROSENWASSER: Before you move with  
8 that motion --

9 MR. PANEQUE: We haven't opened it to  
10 the public, sir, just one second.

11 MR. ROSENWASSER: Yeah, I'm just one of  
12 the neighbors, I don't want to have it postponed  
13 and adjourned and I'm not able to make the next  
14 meeting. I'm here today, so I'd like to at least  
15 speak as one of the neighbors.

16 MR. PANEQUE: If I may, sir? When we  
17 open it to the public, then okay. You're asking  
18 that it be adjourned to June 9th?

19 MS. PEREIRAS: That's correct, Counsel.

20 MR. PANEQUE: Before we make a motion on  
21 the request, the public cannot speak today because  
22 the applicant has not presented their application.  
23 So, sir, if you could get up, state your name, and  
24 address?

25 MR. ROSENWASSER: Mark Rosenwasser, I'm

1     representing the neighboring building at 3810 New  
2     York --

3             MR. PANEQUE:   Are you an attorney at  
4     law?

5             MR. ROSENWASSER:  I am an attorney, but  
6     I'm representing the family, I'm on the family's  
7     behalf.

8             MR. PANEQUE:  Okay.  We cannot entertain  
9     any comments from the public because the  
10    application hasn't been presented.  And although I  
11    understand your concerns that you may not be here  
12    next time, the applicant has expressed that their  
13    architect couldn't be here because I believe they  
14    got COVID?

15            MS. PEREIRAS:  Yes.

16            MR. PANEQUE:  So based on that, we're  
17    obliged to honor their request for an adjournment.  
18    We hope that you can be here on June 9th.  If not,  
19    somebody else can cover and express any concerns  
20    that the individuals that you're representing  
21    have.  But it's not fair to have concerns  
22    expressed before we hear the application.

23            MR. ROSENWASSER:  Understood.

24            CHAIRPERSON GRULLON:  Okay.

25            MR. PANEQUE:  Okay, sir.

1 MR. ROSENWASSER: Thank you.

2 CHAIRPERSON GRULLON: Thank you.

3 MR. PANEQUE: Anybody else want to speak  
4 up? No, all right. Mr. Chairman is there a  
5 motion?

6 CHAIRPERSON GRULLON: I make a motion it  
7 to the next board meeting.

8 VICE CHAIRPERSON GUTIERREZ: I'll  
9 second.

10 MR. PANEQUE: Roll call on the motion to  
11 adjourn. Chairman Grullon.

12 CHAIRPERSON GRULLON: Yes.

13 MR. PANEQUE: Margarita Gutierrez.

14 VICE CHAIRPERSON GUTIERREZ: Yes.

15 MR. PANEQUE: Miguel Ortiz.

16 MR. ORTIZ: Yes.

17 MR. PANEQUE: Rosio Pena.

18 MS. PENA: Yes.

19 MR. PANEQUE: Geraldine Perez.

20 MS. PEREZ: Yes.

21 MR. PANEQUE: Five votes, motion to  
22 adjourn carries.

23 MS. PEREIRAS: Thank you very much.

24 MR. PANEQUE: Ms. Pereiras, please tell  
25 Mr. Alonso the issue with the notice stamp, so

1     that we're going to need something official that  
2     it went out on the 30th, which is the date I  
3     believe it went out, the 30th of April. And thank  
4     you for catching that.

5             MS. PEREIRAS: Thank you, understood.

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1     **La Q Realty, LLC -**

2     **707 22nd Street:**

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4             MR. PANEQUE: We're going on to the  
5     second application, number 2, La Q Realty, LLC,  
6     Mr. Lopez. He was just here.

7             MR. LOPEZ: Good evening.

8             MR. PANEQUE: Good evening, Mr. Lopez.

9             MR. LOPEZ: Mr. Chairman, members of the  
10    board, Mr. Paneque, I'm here with a little bit of  
11    an unusual request. So this application was  
12    approved by this board June 2021. The chairman  
13    made the suggestion and it was approved by all  
14    members of the board that the parking spaces that  
15    were proposed as part of the original application  
16    be removed. This is a property on 22nd Street.

17            The directions of this board were that  
18    we did not have to submit any revised plans, it's  
19    basically just removing two parking spaces. The  
20    applicant went through the entire process,  
21    submitted everything to the building department.  
22    And when it got to the building department, they  
23    wanted the revised plans signed off by the board.  
24    Mr. Spatz told them the board doesn't sign off on  
25    plans, naturally.

1           So we are here, so I can show the board  
2           that this applicant did exactly what you asked  
3           them to do. And, I guess, Mr. Paneque will do  
4           some sort of revised resolution acknowledging that  
5           the parking spaces were removed at the request of  
6           the board and that the new plans that have been  
7           submitted, in essence, become the revised site  
8           plan that was approved.

9           And that's really all that we're here  
10          for. There's no other change other than what the  
11          board requested. It is in the plans that have  
12          been submitted to you.

13                 CHAIRPERSON GRULLON: Okay.

14                 MR. LOPEZ: And just so you know  
15          everything, including the construction drawings,  
16          are already in the building department. They're  
17          only awaiting this particular transaction, this  
18          revised resolution for them to issue building  
19          permits.

20                 CHAIRPERSON GRULLON: Mr. Lopez, on the  
21          revised plans that you present the board --

22                 MR. LOPEZ: I think on the second page,  
23          Mr. Chairman, the second page shows --

24                 CHAIRPERSON GRULLON: CT02.

25                 MR. LOPEZ: If I may. So this is --

1     yes. So this is the revisions with the notation  
2     in the front, the board condition approval. On  
3     the second page, towards the bottom, you will now  
4     see the front of the property which previously  
5     contained the two parking spaces, they have been  
6     removed and it has been substituted with planters  
7     for four trees.

8             CHAIRPERSON GRULLON: Yes.

9             MR. LOPEZ: And that's really all there  
10     is to it.

11            CHAIRPERSON GRULLON: And, Mr. Lopez, I  
12     remember that was our request. And are you  
13     referring to the site plans dated May 2nd?

14            MR. LOPEZ: That is correct. Mine show  
15     sealed April 20th -- no, that's the original ones,  
16     I apologize.

17            MR. PANEQUE: The one we have here, Mr.  
18     Lopez, says date sealed May 2nd, 2022, on the  
19     right hand corner.

20            MR. LOPEZ: Yes.

21            MR. PANEQUE: Okay. It also has a stamp  
22     at the bottom, which says revised plans, which is  
23     the stamp, I guess, from Mr. Vallejo's office?

24            MR. LOPEZ: Correct.

25            CHAIRPERSON GRULLON: Mr. Lopez, your

1 request is to prepare a new resolution and sign  
2 the revised plans?

3 MR. LOPEZ: That would be -- that's what  
4 the building department is asking for. I guess,  
5 Mr. Paneque, I guess a small revision to the  
6 resolution indicating that we had this meeting and  
7 the revised plans were approved by the board?

8 MR. PANEQUE: Yes.

9 MR. LOPEZ: Okay.

10 CHAIRPERSON GRULLON: I don't have any  
11 objection with that. Any members of the board has  
12 any question? Seeing none, at this point, I want  
13 to open to the public. Any member of the public  
14 wants to step forward on this application? Closed  
15 to the public, hearing none.

16 With that, I make a motion to grant the  
17 request of the applicant just to revise the  
18 resolution stating that the two parking spaces  
19 were removed.

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

22 MR. PANEQUE: Seconded by Margarita  
23 Grullon --

24 VICE CHAIRPERSON GUTIERREZ: Gutierrez.

25 MR. PANEQUE: Motion made by Chairman

1 Grullon. We have Carlos laughing under the mask.  
2 Remember I'm new at this role.

3 Motion made by Victor Grullon to approve  
4 the application, seconded by Margarita Gutierrez.  
5 Roll call on the motion. Victor Grullon.

6 CHAIRPERSON GRULLON: Yes.

7 MR. PANEQUE: Margarita Gutierrez.

8 VICE CHAIRPERSON GUTIERREZ: Yes.

9 MR. PANEQUE: Miguel Ortiz.

10 MR. ORTIZ: Yes.

11 MR. PANEQUE: Rosio Pena.

12 MS. PENA: Yes.

13 MR. PANEQUE: Geraldine Perez.

14 MS. PEREZ: Yes.

15 MR. PANEQUE: Five votes, motion  
16 carries.

17 MR. LOPEZ: Thank you so much.

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

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

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

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4               MR. PANEQUE: 547 36th Street UC  
5 Associates. Mr. Lopez.

6               MR. LOPEZ: Good evening, Mr. Paneque,  
7 Mr. Chairman, members of the board.

8               MR. PANEQUE: Give us just one second to  
9 circulate.

10              CHAIRPERSON GRULLON: You may proceed.

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

13              MR. PANEQUE: Mr. Lopez, if I may just  
14 intercept a minute. I want to bring this to  
15 everybody's attention. This is a continuation  
16 from a hearing which started last month and you  
17 were asked to come back with revisions to the  
18 plans, correct?

19              MR. LOPEZ: That's correct.

20              MR. PANEQUE: Now, tonight we have five  
21 board members, but I don't know if everybody was  
22 here last month for purposes of being able to vote  
23 on this application, so...

24              MS. PENA: I wasn't here.

25              MR. PANEQUE: You were not here.

1 CHAIRPERSON GRULLON: That's only four.

2 MR. PANEQUE: Ms. Pena was not here,  
3 that's my recollection as well. So with respect  
4 to having a quorum --

5 MR. LOPEZ: Can we find out if Ms. Pena  
6 had a chance to review the prior meeting's  
7 transcript?

8 MR. PANEQUE: Ms. Pena, did you read the  
9 transcripts from the last meeting?

10 MS. PENA: I did not.

11 MR. PANEQUE: Okay. The other side of  
12 this coin is even if Ms. Pena read the  
13 transcripts, she wouldn't be able to do it and  
14 vote tonight, that's one. Two, we only have five  
15 members even if that took place and you do need a  
16 use variance here.

17 MR. LOPEZ: I would need all.

18 MR. PANEQUE: So Mr. Lopez --

19 MR. LOPEZ: As far as my meeting, you  
20 don't have a quorum?

21 MR. PANEQUE: Yes.

22 MR. LOPEZ: I would ask that you please  
23 carry us to then the June meeting, if possible.

24 MR. PANEQUE: Okay. Chairman Grullon?

25 CHAIRPERSON GRULLON: Yes. I mean

1       again, I apologize.

2               MR. LOPEZ: We understand.

3               CHAIRMAN GRULLON: Not having a quorum.

4               MR. PANEQUE: We expected to have more  
5 members here tonight, it's just they didn't  
6 materialize. So the application is to carry the  
7 matter, Mr. Lopez, with no need for any further  
8 notice?

9               MR. LOPEZ: Correct.

10              CHAIRPERSON GRULLON: I make a motion to  
11 carry this application to the June meeting.

12              VICE CHAIRPERSON GUTIERREZ: I'll second  
13 it.

14              MR. PANEQUE: Motion to carry the  
15 application to the June 9th meeting made by  
16 Chairman Grullon, seconded by Margarita Gutierrez.  
17 Roll call on the motion. Chairman Grullon.

18              CHAIRPERSON GRULLON: Yes.

19              MR. PANEQUE: Margarita Gutierrez.

20              VICE CHAIRPERSON GUTIERREZ: Yes.

21              MR. PANEQUE: Miguel Ortiz.

22              MR. ORTIZ: Yes.

23              MR. PANEQUE: Rosio Pena.

24              MS. PENA: Yes.

25              MR. PANEQUE: Geraldine Perez.

1 MS. PEREZ: Yes.

2 MR. PANEQUE: If anybody was here on the  
3 application for 547 36th Street, this application  
4 is being carried to June 9th due to the fact that  
5 the board lacked a quorum tonight to hear this  
6 application. There will be no further notices.  
7 So if you want to be heard, you have to be here  
8 next month.

9 AUDIENCE MEMBER: We're going to be on  
10 vacation, we're not going to be here.

11 MR. PANEQUE: If you're going to be on  
12 vacation and you want to -- Mr. Lopez? We have  
13 members of the public here that are telling us  
14 they cannot be here next month. You may want to  
15 have a side-bar.

16 MR. LOPEZ: If we can -- they testified  
17 last time. If we could bring them up briefly, I  
18 had a conversation, I think they want to make sure  
19 that the fence that have been agreed to, which we  
20 put on the record last time, is still going to be  
21 part of the application if approved. I think  
22 that's your --

23 AUDIENCE MEMBER: The fence and the wall  
24 that touches the two buildings.

25 MR. LOPEZ: Correct.

1 MR. PANEQUE: Is that in your plans?

2 MR. LOPEZ: Yes, it is.

3 MR. PANEQUE: Okay.

4 MR. LOPEZ: And we had said last time,  
5 we put it on the record --

6 VICE CHAIRPERSON GUTIERREZ: I remember.

7 MR. LOPEZ: -- that we would be putting  
8 a fence up exactly with what their needs were and  
9 that's not going to change.

10 MR. PANEQUE: If I may just make a  
11 suggestion, if you can take a few minutes and show  
12 them in the copies that you have, would that --

13 AUDIENCE MEMBER: Okay.

14 MR. PANEQUE: So we cannot take  
15 testimony because we don't have a quorum on this  
16 application. And anything you say will not be  
17 heard by the members that are here. But my  
18 suggestion is for you to meet with Mr. Lopez and  
19 the architect, they can show you -- and those are  
20 the plans that are going to be entertained by the  
21 board hopefully at the next meeting.

22 MR. LOPEZ: Mr. Paneque, just, if you  
23 could please clarify, that what she said at the  
24 last meeting is part of the record?

25 MR. PANEQUE: Yes.

1           MR. LOPEZ: She testified at the last  
2 meeting and we put certain conditions and that  
3 will be part of the record. It's only what you  
4 say tonight because there's really no hearing,  
5 it's just an adjournment.

6           AUDIENCE MEMBER: Okay, thank you.

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

8           AUDIENCE MEMBER: Thank you.

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1     **BB 6th Holdings, LLC -**  
2     **33-35 6th Street:**

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4             MR. PANEQUE: The next application  
5 before the board is application number 4, BB 6th  
6 Holdings, LLC. Ms. Pereiras.

7             For the record, I have been provided by  
8 Ms. Pereiras with the following:

9             I have a certification as to publication  
10 and service indicating that notice of tonight's  
11 hearing at this location with respect to the  
12 application for the property located at 733-35 6th  
13 Street was given to all property owners within the  
14 200 foot radius.

15            I've also been provided with a copy of  
16 the notice that went out. Said notice indicates  
17 that the meeting will take place tonight at this  
18 location.

19            I've also been provided with a copy of  
20 the tax assessor's list noting all property owners  
21 within the 200 foot radius of 733 6th Street.  
22 This list was done by the tax assessor's office  
23 with a date of April 29, 2022.

24            And I've been provided with the  
25 certified mail receipts with a stamp mark date of

1 April 29, 2022. And this one doesn't have the  
2 little arrows, they actually used the numbers,  
3 thank you, post office.

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

7 MS. PEREIRAS: Thank you, Counsel, and  
8 thank you board members. Bianca Pereira on  
9 behalf of the applicant. My applicant had every  
10 intention of being here this evening to testify in  
11 front of the board. Unfortunately, he has caught  
12 COVID and he is home. So I'm respectfully  
13 requesting that this matter be carried to the  
14 June 9th meeting, at which time he will be here to  
15 present before the board, along with our expert.

16 MR. PANEQUE: Okay.

17 CHAIRPERSON GRULLON: I understand, Ms.  
18 Pereira -- you're aware that this matter has been  
19 carried many, many times. I believe this is like  
20 the sixth time that it's been carried.

21 MS. PEREIRAS: Unfortunately, this is  
22 one that I had mention there is litigation,  
23 currently. I was hoping it would have been  
24 resolved by now, but it's not at this point.

25 CHAIRPERSON GRULLON: Okay.

1           MR. PANEQUE: If I may just add,  
2           Chairman Grullon, even though the matter has been  
3           carried, the applicant did provide notices for  
4           tonight's hearing. So it's as if the public was  
5           receiving notice of the first meeting because they  
6           have the meeting for tonight. Internally, we have  
7           been carrying it, but they've been re-noticed. So  
8           her request would be to carry it to the next  
9           meeting. And under the circumstances, where the  
10          applicant wanted to be here and cannot because of  
11          COVID, the board should consider that as a valid  
12          reason for carrying it, under the circumstances  
13          that notice were given for tonight at an expense  
14          of the applicant.

15          CHAIRPERSON GRULLON: Sure, no,  
16          definitely. I don't have any objection with that.  
17          And make a motion to carry it to the June meeting  
18          without notice because notice was sent to this  
19          meeting.

20          MR. PANEQUE: Correct. So the  
21          motion would be -- the application would be  
22          carried without the need to further notice.

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

25          MR. PANEQUE: Motion to carry the

1 application to the June 9th meeting made by  
2 Chairman Grullon, seconded by Margarita Gutierrez.  
3 Roll call on the motion. Victor Grullon.

4 CHAIRPERSON GRULLON: Yes.

5 MR. PANEQUE: Margarita Gutierrez.

6 VICE CHAIRPERSON GUTIERREZ: Yes.

7 MR. PANEQUE: Miguel Ortiz.

8 MR. ORTIZ: Yes.

9 MR. PANEQUE: Rosio Pena.

10 MS. PENA: Yes.

11 MR. PANEQUE: Geraldine Perez.

12 MS. PEREZ: Yes.

13 MR. PANEQUE: Five votes, motion  
14 carries.

15 Anyone here on the application for the  
16 property at 733-35 6th Street, this application is  
17 being carried to the June 9th meeting with no  
18 further notice. So if you want to be heard, be  
19 here at the next meeting, thank you.

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1     **Old Monk Capital, LLC -**  
2     **419 7th Street:**

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4             MR. PANEQUE: Next matter before the  
5 board is matter number 5, Old Monk Capital, LLC,  
6 property at 419 7th Street.

7             Let the record reflect I've been  
8 provided with the following documentation by Ms.  
9 Pereiras.

10            I have a certification as to publication  
11 and service signed by Ms. Pereiras giving  
12 notice -- indicating that notice of tonight's  
13 hearing was sent to all property owners within the  
14 200 foot radius for the meeting to take place at  
15 this location.

16            I have also have a copy of the notice  
17 with respect to the property at 419 7th Street  
18 noting that the meeting will take place tonight at  
19 this location.

20            I also have the tax list from the tax  
21 assessor's office noting all property owners  
22 within the 200 foot radius of 419 7th Street, said  
23 tax list was done March 28th, 2022.

24            I have an affidavit of publication from  
25 The Jersey Journal, said affidavit of publication

1 was done May 2nd, published in the paper giving  
2 notice of tonight's hearing for 419 7th Street.

3 I also have the certified mail slips  
4 with a postmark date of May 2, 2022.

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

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

10 MR. PANEQUE: Ms. Pereiras, I just want  
11 to intercept a minute. On the previous  
12 application on the record with respect to 733 6th  
13 Street, I believe I did not read into the record  
14 that along with the documents that were provided  
15 by Ms. Pereiras with respect to establishing  
16 jurisdiction, there was an affidavit from The  
17 Jersey Journal with a date of May 2, 2022, giving  
18 notice of tonight's hearing for the property 733  
19 6th Street. That should have been placed on the  
20 record before and I apologize for that. I saw it,  
21 but I went into another speech about something  
22 else. But the record has been amended to include  
23 that that was part of your submissions.

24 And going back to the 419 7th Street,  
25 this board has jurisdiction to proceed and hear

1       this matter.

2                   MS. PEREIRAS: Thank you very much,  
3       Counsel. Again, Bianca Pereiras on behalf of the  
4       applicant, Old Monk Capital, LLC, for application  
5       to construct a second floor deck to the rear of  
6       the property.

7                   This is an existing building, it is an  
8       existing two-family home. And the applicant is  
9       looking for some outdoor area to enjoy. We have  
10      one expert to testify before the board this  
11      evening and that is our architect, Mr. Manuel  
12      Pereiras.

13  
14      M A N U E L     P E R E I R A S, after having been  
15      duly sworn or affirmed, did testify as follows:

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

20                   CHAIRPERSON GRULLON: We accept your  
21      qualifications, Mr. Pereiras.

22                   MR. PEREIRAS: Thank you.

23                   MS. PEREIRAS: Mr. Pereiras, are you  
24      familiar with the property at 419 7th Street?

25                   MR. PEREIRAS: I am.

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

3 MR. PEREIRAS: I have.

4 MS. PEREIRAS: Would you kindly describe  
5 the project for the board?

6 MR. PEREIRAS: I'd be very happy to.  
7 This might be one of the simplest projects we've  
8 ever presented before this board. We have an  
9 existing two-family house that was renovated very  
10 beautifully and what we're proposing to do is have  
11 some outdoor space for that house. As you can  
12 see, the rear yard setback for this house is over  
13 30 feet, it's almost 31 feet, it's 30 feet,  
14 11 inches. All the houses in this neighborhood  
15 have a two-story frame. And then the rear  
16 portion, there's a one-story portion. And what's  
17 very typical of this entire block is that in that  
18 one-story portion, it's a deck for that second  
19 story. I believe almost all the houses on the  
20 block have that deck. This is the one that's  
21 missing that.

22 Turning now to sheet Z02, these are the  
23 same document that were submitted to the board.  
24 You see the existing condition and the proposed  
25 condition. On the left-hand side, we have all the

1 existing conditions. As you can see on the right,  
2 it's exactly the same thing with the exception of  
3 some columns on the ground floor, which are four  
4 by four treated posts and then the deck.

5 And if I turn to the last page, which  
6 shows our elevations, if you look at the side of  
7 the house, this is the area that we're doing.  
8 This is a preexisting structure, we're simply  
9 putting the deck on top of it. It's going to be a  
10 Trex deck with railing all around and that's  
11 pretty much it. It's as simple as that.

12 There are some existing nonconformities  
13 that we're dealing with and some nonconformities  
14 in technicality, we're expanding. Because there  
15 is a zero side yard setback on both sides of the  
16 house, we're technically expanding that because  
17 the deck is on the same footprint. There's no  
18 rear yard setback requirement, the front yard is  
19 fine.

20 The only other variance that we have are  
21 preexisting nonconformities for lot size. The lot  
22 is an existing 1,668 square feet, whereas 2,500  
23 are required and 16.67 feet wide whereas 25 is  
24 required. There is no properties available  
25 adjacent to the site to increase the lot size in

1     any way. And we're not looking to expand the size  
2     of the footprint of this building in any way other  
3     than providing the outdoor deck which is so  
4     necessary now with COVID, after COVID in our  
5     experiences.

6             There's a preexisting driveway in the  
7     front of the house, we're looking to keep that.  
8     And we're not looking to make any other changes  
9     other than what's there. That concludes my  
10    testimony.

11            CHAIRPERSON GRULLON: Thank you, Mr.  
12    Pereiras. Just one question, Mr. Pereiras. Are  
13    you expanding the bedroom counts in any way?

14            MR. PEREIRAS: We are not.

15            CHAIRPERSON GRULLON: Are the existing  
16    building, it's just renovations you say?

17            MR. PEREIRAS: It's already been  
18    renovated, it's beautiful. This is the last piece  
19    of the puzzle for it to be completely finished.

20            CHAIRPERSON GRULLON: The dimension of  
21    the deck, do you know how --

22            MR. PEREIRAS: Yes, I could tell you the  
23    exact dimensions. The full length of the  
24    property, which is the 16 feet, 8 inches and it's  
25    16 feet deep, 11 of those feet are on top of the

1 existing building. And then there's another  
2 5 feet that we're going out.

3 CHAIRPERSON GRULLON: Okay. Any members  
4 of the board have any questions regarding this  
5 application?

6 At this time, I'll open to the public.  
7 Any member of public want to step forward?  
8 Hearing none, close to the public.

9 Taking into consideration that you're  
10 only providing open air space to the residents of  
11 the units, I make a motion to grant this  
12 application.

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

15 MR. PANEQUE: Motion to approve made by  
16 Chairman Grullon, seconded by Margarita Gutierrez.  
17 Roll call on the motion. Mr. Grullon.

18 CHAIRPERSON GRULLON: Yes.

19 MR. PANEQUE: Margarita Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 MR. PANEQUE: Miguel Ortiz.

22 MR. ORTIZ: Yes.

23 MR. PANEQUE: Rosio Pena.

24 MS. PENA: Yes.

25 MR. PANEQUE: Geraldine Perez.

1 MS. PEREZ: Yes.

2 MR. PANEQUE: Five affirmative votes,  
3 motion carries.

4 MS. PEREIRAS: Thank you very much.

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1       **Torres, Alejandro and Nancy -**  
2       **209 19th Street:**

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4               MR. PANEQUE: The next matter before the  
5 board is case number 6, Torres, Alejandro and  
6 Nancy, property at 209 19th Street. Ms. Pereiras.

7               Let the record reflect I've been  
8 provided with the following documentation:

9               I have a certification as to publication  
10 and service from Ms. Pereiras indicating that  
11 notice of tonight's hearing went out to all  
12 property owners within the 200 foot radius of 209  
13 19th Street.

14              I have an affidavit of publication from  
15 The Jersey Journal, said publication was published  
16 on May 2nd indicating that tonight's hearing here  
17 at this location, the board will be presented with  
18 an application for 209 19th Street.

19              I have a copy of the tax assessor's list  
20 of all property owners within the 200 foot radius  
21 of 209 19th Street, said list has a date of  
22 March 28, 2022.

23              And I have the certified mail slips with  
24 a postmark date of April 29, 2022.

25              Based on the documentation that has been

1 provided by Ms. Pereiras, this board has  
2 jurisdiction to proceed and hear this matter.

3 MS. PEREIRAS: Thank you very much,  
4 Counsel. Bianca Pereiras on behalf of Alejandro  
5 and Nancy Torres for property located at 209 19th  
6 Street here in Union City. The application is to  
7 construct a rear addition to provide additional  
8 space for an existing two-family home. It will  
9 continue to remain a two-family home.

10 We have a few existing nonconformities,  
11 which our architect will speak at length about,  
12 Mr. Pereiras.

13 MR. PEREIRAS: Manny Pereiras, I  
14 recognize I am still under oath.

15 MS. PEREIRAS: Mr. Pereiras, are you  
16 familiar with the property at 209 19th Street?

17 MR. PEREIRAS: I am.

18 MS. PEREIRAS: And did you prepare the  
19 drawings for the board?

20 MR. PEREIRAS: I have.

21 MS. PEREIRAS: And can you please  
22 describe the addition for the board?

23 MR. PEREIRAS: I'd be very happy to.  
24 First, let's talk a little bit about the site. We  
25 have a conforming site of 25 by 100, 2,500 square

1 feet. We're in full compliance of that. However,  
2 the existing building has a series of existing  
3 nonconformities, the first of which being side  
4 yard setback. We are at -- right on the property  
5 line, along one side. And we are 2 feet, 2 inches  
6 along the other side. That nonconformity, we're  
7 expanding on that because we're looking to do an  
8 addition to the property that I will describe in  
9 plan view in a second.

10 We have compliance in front yard  
11 setback. And we have in my drawings, it actually  
12 says that we're looking for variance for maximum  
13 lot coverage, that's an error. We actually are  
14 not looking for that variance. We comply in the  
15 rear yard. This is all grass area in the back and  
16 we will be in compliance with landscaping. And  
17 then the other preexisting nonconformity which we  
18 were expanding is parking. We have an existing  
19 two-family house, whereas we only have one parking  
20 space available in the front which is an existing  
21 space.

22 If you look at the existing floor plans  
23 that I show on Z02, it's a very inconvenient  
24 house. What we're calling a bedroom is only 8  
25 foot 8 by 7 feet wide. It is only a bedroom

1     because it's pre-code. It's a very small space,  
2     very uncomfortable. And as you can see, getting  
3     to the other bedroom is through basically the  
4     living room on this end, after passing the  
5     kitchen. It's an old design of going from bedroom  
6     to bedroom in order to get through the house. And  
7     we have a ridiculously small bathroom that the  
8     toilet is confined within a 3 foot space.

9             So the owners of the house are looking  
10    they have -- they want to live more comfortably in  
11    the house. What we're looking to do is an  
12    addition to the rear to provide two decent size  
13    bedrooms and then rearrange the bathrooms in the  
14    front so that they have a two bedroom, two  
15    bathroom house as well as in each of the  
16    apartments.

17            So by ripping out the existing bathrooms  
18    and the bedroom that was there, we made two  
19    comfortable sized bathrooms with a washer and  
20    dryer. And then two bedrooms in the back that are  
21    normal size. It is 10 feet wide by 18 foot, 11  
22    deep. And then that gives us enough room to have  
23    a walk-in closet for one of the bedrooms and a  
24    reach-in closet on the other one.

25            Beyond that, we're not looking to make

1 any other extensions or additions to this house.  
2 It's simply providing -- reconfiguring it and  
3 providing those -- taking one bedroom away and  
4 providing two in the back that are comfortable and  
5 safe for the neighborhood.

6 If you look at it in elevation, it's  
7 consistent with the house, we're just basically  
8 extending it back. We still have a fully  
9 compliant rear yard at 20 feet with our current  
10 ordinance. So there's still space back there.  
11 And I did want to mention there's an existing shed  
12 back there that we're not changing. That's an  
13 existing shed that will remain. But our addition  
14 will still be 20 feet away from the rear yard.

15 CHAIRPERSON GRULLON: Does that conclude  
16 your presentation, Mr. Pereiras?

17 MR. PEREIRAS: It does.

18 CHAIRPERSON GRULLON: Mr. Pereiras, this  
19 is a two-family house?

20 MR. PEREIRAS: It's currently two-family  
21 and we'd like to keep it --

22 CHAIRPERSON GRULLON: It is going to --  
23 you're going to maintain as two-family?

24 MR. PEREIRAS: Yes.

25 CHAIRPERSON GRULLON: And your request

1 is just -- the bedroom count will remain the same,  
2 it's just to expand?

3 MR. PEREIRAS: We're actually adding one  
4 bedroom to each of the floors because we're  
5 removing one bedroom, but adding two.

6 CHAIRMAN GRULLON: This is an existing  
7 condition as two bedrooms apartments?

8 MR. PEREIRAS: The existing conditions  
9 are two bedroom apartments, the proposed condition  
10 are three bedroom apartments.

11 CHAIRPERSON GRULLON: Three bedrooms, I  
12 see. That does change the parking --

13 MR. PEREIRAS: Parking. That's why  
14 we're expanding on our parking.

15 CHAIRPERSON GRULLON: And again the rear  
16 yard, you're going to maintain the 20 feet that is  
17 required?

18 MR. PEREIRAS: Correct.

19 CHAIRPERSON GRULLON: What will be the  
20 size of the apartments now, the square footage and  
21 compare to the previous square footage, if you  
22 have that information?

23 MR. PEREIRAS: I'll tell you a very  
24 quick calculation. Our addition is 506 square  
25 feet per floor.

1 CHAIRMAN GRULLON: The addition?

2 MR. PEREIRAS: The addition.

3 CHAIRPERSON GRULLON: Okay. That will  
4 enhance the living condition on the apartments?

5 MR. PEREIRAS: Significantly. I think  
6 the current apartment -- what we're proposing  
7 first and foremost works for a family very well.  
8 It's going to be a three bedroom house, so it's  
9 going to be inviting for family. It's also going  
10 to be decent sized rooms, that really significant  
11 enhances the living conditions.

12 Also I'd like the board to be aware that  
13 this is a significant addition, so we're bringing  
14 this house up to code. So all things that are in  
15 violation of current codes are being brought up to  
16 standards. We're having smoke detectors, we're  
17 going to have fire rating between floors. So  
18 we're not only protecting the inhabitants of this  
19 house, but really the neighborhood by doing this  
20 construction.

21 CHAIRPERSON GRULLON: Thank you, Mr.  
22 Pereira. I don't have anymore questions. Do you  
23 guys have any questions?

24 At this time, I want to open the  
25 application to the public. Anyone from the public

1 want to step forward on this application? Hearing  
2 none, close --

3 MS. WEISS: I'm a little concerned,  
4 Elizabeth Weiss 1807 Palisade Avenue. And I  
5 wasn't notified, I feel like I probably should  
6 have been. I'm not within 200 feet?

7 MS. PEREIRAS: We can check you on the  
8 certified list, what's your property address?

9 MS. WEISS: 1807 Palisades. Because I  
10 was notified for the other one on 18th Street, I  
11 was notified for that. So I looked on the map, it  
12 looks like I'm closer.

13 MS. PEREIRAS: We'll check.

14 MR. PANEQUE: You're at 1807? The 200  
15 foot list goes up to 1805.

16 MS. WEISS: Okay.

17 MR. PANEQUE: You miss the cut off by --

18 MS. PEREIRAS: Just a little bit.

19 MS. WEISS: Okay. So I'm just concerned  
20 about the overall density of everything in the  
21 neighborhood, all the new buildings, all the, you  
22 know, new people coming and parking. I mean it's  
23 not that significant two to three bedrooms, but  
24 they're going to be larger. Also, even though  
25 it's got the 20 foot setback, it's got that big

1 shed there. So I just feel like every ounce of  
2 air is being taken away from us with every one of  
3 these new proposals, you know.

4 So having that shed there doesn't affect  
5 the -- where is that shed?

6 MR. PEREIRAS: So a shed is considered  
7 an accessory structure and it also predates our  
8 ordinance. So our setback is still to the  
9 building and we're compliant with that aspect of  
10 it.

11 CHAIRPERSON GRULLON: And the expansion  
12 is to the rear of the building?

13 MR. PEREIRAS: Correct.

14 MS. PEREIRAS: Correct.

15 CHAIRPERSON GRULLON: But you're not  
16 covering the entire yard, you're leaving the 20  
17 foot --

18 MR. PEREIRAS: Correct. We have a 20  
19 foot setback and the neighbor had a concern that,  
20 you know, there's an existing shed back there.  
21 There is an existing shed back there, but it's a  
22 preexisting nonconforming use and we're not  
23 looking to change that in any way. But the  
24 building is setback 20 feet.

25 MS. WEISS: If you're taking all that

1 space from the yard, it feels like the shed should  
2 go.

3 MR. PANEQUE: Mr. Spatz, you want to  
4 provide any information on the shed?

5 MR. SPATZ: They are permitted to have  
6 an accessory use. It would affect the coverage,  
7 it wouldn't affect anything else in terms of  
8 setback. It's -- you know, there were different  
9 standards for accessory uses, so they would be  
10 allowed to keep it. Obviously, they could take it  
11 down if they chose to, but the ordinance would  
12 allow them to keep it.

13 MS. WEISS: So how much space between  
14 the shed and the addition?

15 MR. PEREIRAS: There's about eight feet  
16 between the two, eight or nine feet.

17 MS. WEISS: Okay.

18 MR. PEREIRAS: Approximately.

19 MR. PANEQUE: Anything else, Ms. Weiss?

20 MS. WEISS: I guess that's it.

21 MR. PANEQUE: Thank you.

22 CHAIRPERSON GRULLON: Thank you.

23 MR. PANEQUE: Anyone else from the  
24 public?

25 MR. MAYERSOHN: Norman Mayersohn,

1 M-A-Y-E-R-S-O-H-N, 212 18th street. Always glad  
2 to see there's a lot of renovation going on in the  
3 neighborhood, always glad to see upgrades. The  
4 only concerns I would raise are I think that  
5 extension to the rear would be beyond the  
6 neighboring houses. So in other words, to the  
7 east and west, you have houses that don't go back  
8 that -- they're all about equal now. So you would  
9 have one that extends much farther back for  
10 whatever the open space implication of that is.

11 And increasing the capacity of the  
12 house, even if it's not going to be used  
13 immediately to bring more people there, is --  
14 always raise the parking concern, which is a  
15 serious situation all through Union City. And it  
16 certainly is over there. That particular block  
17 has the school, I forget the name of the --

18 CHAIRPERSON GRULLON: Emerson school.

19 MS. PENA: DePalma.

20 AUDIENCE MEMBER: Hudson.

21 MR. MAYERSOHN: It's the Hudson school  
22 on that block, it's between Palisade and  
23 Manhattan. And you have a couple studios there,  
24 which have loading zones and things like that, a  
25 photo studio. So that's something the board

1       should keep in consideration.

2               Yeah, I certainly don't object to seeing  
3 places upgraded. You know, I'm constantly working  
4 on my place, so I know about that. But, you know,  
5 that's -- its effect on the neighbors to the east  
6 and west is something I'm not aware of. And, you  
7 know, exactly how that lays out in the plans, but  
8 it's probably worth questioning.

9               MR. PANEQUE: Okay.

10              MR. MAYERSOHN: Thank you.

11              MR. PANEQUE: Thank you, sir.

12              MR. PEREIRAS: So the neighbor is  
13 accurate. The existing houses to both sides are  
14 about the same depth as our house is currently  
15 now. And we are asking for an addition to the  
16 rear yard. But I think this board is very aware  
17 that the planning board took great care and great  
18 consideration figuring out a master plan for Union  
19 City, took very good care of preparing an  
20 ordinance for Union City, and set certain  
21 parameters for that ordinance. One of those being  
22 a 20 foot year yard setback, which I think is  
23 extremely appropriate, perfect for a dense  
24 environment, really preserves a lot of what we  
25 consider open air.

1           And there is a shed back there, but it's  
2   also a one-story shed, so it's a shed. We're  
3   permitted to have sheds. And I think this  
4   applicant has followed the ordinance to the best  
5   of their ability. And I think, you know, it's a  
6   good application. It's in line with what our  
7   master plan is and what our ordinance is. And we  
8   can't ask the applicants to do more than just  
9   follow what the ordinance is. I think it's a good  
10   application in that sense. And I hope this board  
11   will consider that.

12           CHAIRPERSON GRULLON: Thank you, Mr.  
13   Pereiras. Any anyone else from the public wants  
14   to step forward? Hearing none, close to the  
15   public.

16           Taking in consideration that this  
17   application is just to enhance the living  
18   condition of the residents and is not affecting  
19   the height of the building. It's also complying  
20   with the rear yard in a 25 by 100 lot, I would  
21   make a motion to grant this application.

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

24           MR. PANEQUE: Motion to approve the  
25   application made by Chairman Grullon, seconded by

1 Margarita Gutierrez. Roll call on the motion.  
2 Victor Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. PANEQUE: Margarita Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. PANEQUE: Miguel Ortiz.

7 MR. ORTIZ: Yes.

8 MR. PANEQUE: Rosio Pena.

9 MS. PENA: Yes.

10 MR. PANEQUE: Geraldine Perez.

11 MS. PEREZ: Yes.

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1     **Xu, D & E Liang & Z Wang & N Yang -**  
2     **213 Roosevelt Street:**

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4             MR. PANEQUE: Next application is  
5 application number 7, property address 213  
6 Roosevelt Street. And we have our Chairman  
7 Grullon recusing himself as he is within the 200  
8 foot radius of this property. Chairman Grullon is  
9 going to recuse himself. We are then going over  
10 to have Margarita Gutierrez as our acting  
11 chairman.

12            Now, we are down to four members since  
13 the chairman is recusing himself. For the record,  
14 I've been provided by Ms. Pereiras with the  
15 jurisdictional documents, which I will place now  
16 on the record.

17            I have a certification as to publication  
18 and service which indicates that notice of  
19 tonight's hearing was provided to all property  
20 owners within 200 foot radius of 213 Roosevelt  
21 Street. It's signed by Ms. Pereiras.

22            I have the copy of the notice that went  
23 out giving notice of tonight's meeting at this  
24 location for the property at 213 Roosevelt Street.

25            I have a copy of the affidavit of

1 publication from The Jersey Journal indicating  
2 that on May 2nd, notice of this application was  
3 publish in The Jersey Journal.

4 And I have a copy of tax list?

5 MS. PEREIRAS: The tax list, I need to  
6 provide to your office, Counsel, if I may in the  
7 morning. My secretary was not available today and  
8 I'm not sure where she placed that list.

9 MR. PANEQUE: Okay. As stated by Ms.  
10 Pereiras, the tax list will be provided in the  
11 morning.

12 I've also been provided with the  
13 certified mail receipts with a postmark date of  
14 May 2, 2022.

15 Since we do not have a quorum at this  
16 time, being that Chairman Grullon had to recuse  
17 himself, Ms. Pereiras, this board is going to  
18 carry your application to the next meeting.  
19 Hopefully, we will have a quorum at the next  
20 meeting. You will have to provide Carlos PANEQUE,  
21 our secretary, with a copy of that tax list as  
22 well as to my office. With the condition that  
23 that tax list is provided, this board will then  
24 accept jurisdiction to proceed and hear this  
25 matter at the June 9th meeting with no further

1 notice requirements.

2 MS. PEREIRAS: Thank you very much,  
3 Counsel.

4 MR. PANEQUE: I'm going to ask that  
5 acting Chairperson Gutierrez make a motion to  
6 carry this application to the next meeting, not on  
7 applicant's request, but on the fact that this  
8 board does not have a quorum to proceed at this  
9 time.

10 VICE CHAIRPERSON GUTIERREZ: I make a  
11 motion to adjourn to the meeting to June 9, 2022.

12 MR. PANEQUE: Motion to adjourn made by  
13 acting Chairperson Margarita Gutierrez.

14 MR. ORTIZ: Second.

15 MR. PANEQUE: Second by Miguel Ortiz.  
16 Roll call on the motion. Margarita Gutierrez.

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 MR. PANEQUE: Miguel Ortiz.

19 MR. ORTIZ: Yes.

20 MR. PANEQUE: Rosio Pena.

21 MS. PENA: Yes.

22 MR. PANEQUE: Geraldine Perez.

23 MS. PEREZ: Yes.

24 MS. PEREIRAS: Thank you, Counsel.

25 \* \* \* \*

1       **418 JPM Properties, LLC -**

2       **418 11th Street:**

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4               MR. PANEQUE: Next matter heard is  
5 number 8.

6               Let the record reflect that we have  
7 Chairman Grullon back in session.

8               For the record we've called case  
9 number 8, property located at 418 11th Street.

10              Ms. Pereiras has provided me with  
11 certification as to publication and service noting  
12 that notice of tonight's hearing with respect to  
13 the property at 418 11th Street was sent to all  
14 property owners within the 200 foot radius.

15              A copy of the notice that was sent with  
16 respect to the property at 418 11th Street to all  
17 property owners as well as the tax list from the  
18 tax assessor's office with a date of March 28,  
19 2022, listing all properties owners within the 200  
20 foot radius of 418 11th Street, as well a copy of  
21 the affidavit of publication from The Jersey  
22 Journal with a publication date of May 2, 2022,  
23 with respect to this property.

24              And as well as the certified mail  
25 receipts with a postmark date of April 29th.

1           Based on the documentation that has been  
2 provided, this board has jurisdiction to proceed  
3 and hear this matter. Ms. Pereiras, the floor is  
4 yours.

5           MS. PEREIRAS: Good evening. May it  
6 please the board, Bianca Pereiras on behalf of the  
7 applicant 418 JPM Properties, LLC, in regards for  
8 property at 418 11th Street, also known as Lot 23  
9 in Block 52.

10           The application is to reconstruct an  
11 existing building and to legalize the units that  
12 are currently there. There are three units that  
13 we're looking to legalize as well as enlarge and  
14 renovate this property. We have one expert to  
15 testify and that is our architect, Mr. Manuel  
16 Pereiras.

17           MR. PEREIRAS: Manny Pereiras, I  
18 recognize that I am still under oath.

19           MS. PEREIRAS: Mr. Pereiras, are you  
20 familiar with the property at 418 11th Street?

21           MR. PEREIRAS: Very familiar.

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

24           MR. PEREIRAS: I have.

25           MS. PEREIRAS: Would you kindly describe

1 the project for the board?

2 MR. PEREIRAS: I'd be very happy to.  
3 This project has been a very difficult one that  
4 has consumed a lot of my time. This is a  
5 difficult project for various reasons. Number  
6 one, if you drive by the site, it's in horrible  
7 disrepair. We've gone through to do some  
8 emergency repairs right now just to keep it  
9 stable.

10 It's situated in a neighborhood that I'm  
11 very intimately aware of. I grew up literally  
12 around the corner of it, so I know this property  
13 very well. It sits right next to a warehouse that  
14 is setback significantly and touches the rear yard  
15 of that property. And then across the street, you  
16 have an enormous warehouse, which just was taken  
17 over by Espinosa Beef that is now running a beef  
18 butcher shop out of there, supplying a lot of New  
19 York restaurants with beef there. So there's a  
20 lot of traffic in that area.

21 And then the very first residential  
22 house is this property. And then there are all  
23 smaller scale residential houses moving forward.  
24 So one of the things -- and there's a history to  
25 this property. This has gone before the planning

1 board years ago. We wanted to make sure that this  
2 property respected the existing scale of this  
3 building that was there, so that we're not larger  
4 than other buildings, we're not doing anything  
5 very different.

6           However, we wanted to make it livable  
7 good apartments. So we really massaged the floor  
8 plan a lot to make it work and demolished a small  
9 portion of the front of the building in order to  
10 create parking because parking is such a  
11 significant issue in this part of Union City as  
12 well.

13           So to describe what we're doing. You  
14 have an existing house here and we have a little  
15 more detail than we normally have. We have  
16 existing floor plans and we have demolition floor  
17 plans that I'm going to share with you.

18           So right now, speaking from a site  
19 perspective, you can see that this house is pretty  
20 far up along the property and yet the adjacent  
21 house is setback. What we're looking to do is  
22 demolish that front portion of the property in  
23 order to create these two parking spaces. So  
24 we're taking this existing structure and we're  
25 making it more conforming by pushing that front

1 yard setback further back.

2 And then we're in-filling this portion  
3 of house. We're actually demolishing this portion  
4 so that we can create a side yard setback of 3  
5 foot, 1. That does a few things, number one,  
6 we're more compliant with the code and the  
7 ordinance by creating that 3 foot, 1, that's  
8 required of us. But also it allows us the  
9 opportunity to open windows along the side of the  
10 house. So this entire portion of the building is  
11 going to be reconstructed, smaller allowing a 3  
12 foot, 1 side.

13 And then we have an addition that's  
14 proposed that's 27 foot, six and yes we are asking  
15 for a variance on rear yard. However, we're  
16 providing 15 and a half feet and I'd like to you  
17 keep in mind where our neighbors are. You have  
18 the warehouse right here. That warehouse is all  
19 the way to the rear yard and all the way to here,  
20 and right on the property line. So we're not  
21 affecting any neighbor there. And then on the  
22 other side, there's a shed there as well.

23 So we're not affecting the neighbor on  
24 the east side either. So any neighbor that would  
25 potentially be affected is the west and the east.

1 And if you go to the north side, that's this car  
2 wash, which is right on the property line as well.  
3 We're not affecting any neighbor there. So we are  
4 asking for a rear yard variance, but we're  
5 respecting 15 feet, 6 inches. And I think it's  
6 perfectly reasonable in this situation that we  
7 have here.

8 These are the existing plans. As you  
9 can see, there were illegal units here. This new  
10 owner has purchased the property, he's cleaning it  
11 all up. And that's why we're before you here to  
12 legalize these three units and bring them to code  
13 compliance and bring them to a lot better  
14 compliance with our ordinance.

15 In order to do that, it's significant  
16 work. These are the existing conditions on the  
17 facade all the way around. If you look at it now,  
18 there's basically a big hole here. It's like  
19 ready to collapse, we had to do emergency work to  
20 just hold it up.

21 This is our demolition plan. The solid  
22 lines are walls that we're keeping. The dashed  
23 lines are walls we're removing. As you can see  
24 there's a significant portion of this that is  
25 being removed. And that's in order to bring it

1       into better compliance with our ordinance.

2               And, finally, as our floor plans, we  
3       really massaged it so that we could have a really  
4       decent good three family house. It's not as big  
5       as the ones we used to have, but it's really  
6       working and conforms with the neighborhood.

7               First and foremost, it's only three  
8       stories high so it fits with the neighborhood very  
9       well. We have master in the rear, two additional  
10      bedrooms for an office or for kids. And then the  
11      living room and dining room space very modest  
12      along the front and open floor plan. And we have  
13      the same things in the floor above.

14              From a facade standpoint, we worked on  
15      this a lot. Because we couldn't create like a  
16      really traditional design because it doesn't fit  
17      into anything. You had a warehouse on one side,  
18      you had very ugly houses on the other side. So we  
19      worked with something more contemporary so that we  
20      could have a beautiful design that goes from that  
21      warehouse to residential scale. And we kept the  
22      house very low so that it fits into the  
23      neighborhood, we're at 35 feet in height. And we  
24      provided the parking along the front of it.

25              And, you know, I could talk more, I

1     don't think it's necessary. I'm open for  
2     questions.

3             CHAIRPERSON GRULLON: Mr. Pereira, you  
4     just mentioned that you're proposing to demolish  
5     the existing building?

6             MR. PEREIRAS: No, we're not. We are  
7     keeping a lot of the structure, we're demolishing  
8     a lot of it as well. We have a demolition plan  
9     that shows exactly the extent of how much we're  
10    doing. And that's not a factor of we wanted to,  
11    it's that half of it is falling apart, it's in  
12    really bad disrepair. And then the whole side,  
13    it's because we want to create a side yard  
14    setback.

15            So if you look at this existing side of  
16    the building, it's right on the property line. We  
17    want to create the side yard setback that our  
18    ordinance requires, so all of that portion is  
19    being demolished, specifically. Our floor plates  
20    are staying the same, so all our floors are  
21    staying at the same height, using the existing  
22    joists, just being repaired. So the actual box of  
23    the house except for that right wall is going to  
24    remain.

25            CHAIRPERSON GRULLON: You're aware

1 according to the record of building department  
2 this is a one unit structure?

3 MR. PEREIRAS: That is correct. It is a  
4 one unit structure, it's been illegally being used  
5 as a three family for many, many years. The  
6 appliances are all dated. I'm sure well before  
7 the '80s, probably in the '70s, but that's why  
8 we're here to correct this situation.

9 CHAIRPERSON GRULLON: And as you know,  
10 under the new ordinance, just two families are  
11 permitted to be constructed.

12 MR. PEREIRAS: We totally understand  
13 that. That's why we massaged the building to be  
14 small like a two-family and just legalizing the  
15 existing aspects of it.

16 CHAIRPERSON GRULLON: One thing that I  
17 see here is an opportunity to create more parking  
18 space and use the entire ground floor for parking  
19 and do like two-family building.

20 MR. PEREIRAS: In order to do that --

21 CHAIRPERSON GRULLON: Is that something  
22 that you --

23 MR. PEREIRAS: We would have to demolish  
24 the whole building in order to do that to create  
25 parking. So the ground floor is about four and a

1 half feet or the basement is like four and a half  
2 feet below the grade. The first floor is, you  
3 know, two and a half feet over grade. So we can't  
4 have anything for parking there, it would be  
5 impossible. We will be ripping out the whole  
6 first floor and rebuilding this house.

7 CHAIRPERSON GRULLON: I know it's been  
8 used illegally, probably you had residents living  
9 there and all that and maybe they don't even have  
10 a car. But putting new units there, now we have  
11 an area where we have really issue with parking,  
12 you know really issues with parking. I would like  
13 to -- you know, for you to talk to your client,  
14 see if you can come back with a two-family and  
15 provide more parking.

16 If you want to adjourn this now, you  
17 know, that way you can have that discussion with  
18 your client. If not, we proceed to hear the  
19 comments from the others and hear the public.

20 MR. PEREIRAS: I appreciate your  
21 comments. I'd love to take the opportunity to  
22 talk to our client. But I do want to make just  
23 one more point before we go is that we are  
24 providing two parking spaces. And that's why  
25 we're cutting the building back in order to

1 provide two parking spaces.

2 CHAIRPERSON GRULLON: What would be the  
3 requirement for this?

4 MR. PEREIRAS: It would be six.

5 CHAIRPERSON GRULLON: For two units?

6 MR. PEREIRAS: For two, four would be  
7 required.

8 CHAIRPERSON GRULLON: Yes, yes.

9 MR. PEREIRAS: Okay.

10 CHAIRPERSON GRULLON: You would have a  
11 beautiful house there, if you talk to your client  
12 and try to convince him to do the right thing,  
13 support Union City, and bring the type of units  
14 that we are looking to have in our neighborhoods  
15 because of the parking situation, because of the  
16 demand of better quality housing.

17 You know, if you wanted to add anything  
18 else to your testimony?

19 MR. PEREIRAS: No, except that the board  
20 understands that we would have to demolish in  
21 order to make that happen.

22 CHAIRPERSON GRULLON: Yes. We are aware  
23 of that. Any members of the board have any other  
24 comments or questions? Hearing none.

25 MS. PEREIRAS: Mr. Chairman, our client

1 is here, if we could take a few minutes to discuss  
2 with him.

3 CHAIRMAN GRULLON: You want to take a  
4 few minutes break, two minute break?

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

6 CHAIRPERSON GRULLON: Off the record.

7

8 (Discussion held off the record.)

9

10 MR. PANEQUE: Back on the record.

11 Ms. Pereiras?

12 MS. PEREIRAS: If the board would be so  
13 kind as to carry this matter to the June 9th  
14 meeting date, during that time, we're trying to  
15 see if we can reevaluate our design the way it is.

16 CHAIRPERSON GRULLON: Okay. With that,  
17 I make a motion to adjourn this hearing to the  
18 June 9th meeting.

19 VICE CHAIRPERSON GUTIERREZ: Second it.

20 MR. PANEQUE: Motion to adjourn to the  
21 June 9th meeting made by Chairman Grullon,  
22 seconded by Margarita Gutierrez. Roll call on the  
23 motion. Victor Grullon.

24 CHAIRPERSON GRULLON: Yes.

25 MR. PANEQUE: Margarita Gutierrez.

1 VICE CHAIRPERSON GUTIERREZ: Yes.

2 MR. PANEQUE: Miguel Ortiz.

3 MR. ORTIZ: Yes.

4 MR. PANEQUE: Rosio Pena.

5 MS. PENA: Yes.

6 MR. PANEQUE: Geraldine Perez.

7 MS. PEREZ: Yes.

8 MR. PANEQUE: Five votes affirmative,  
9 motion carries.

10 MS. PEREIRAS: Thank you, everyone. See  
11 you next month.

12 MR. PANEQUE: Thank you. Have a good  
13 night.

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**ADOPTION OF RESOLUTIONS:**

(1.) SSA Development II, LLC. 202 Bergenline Avenue. Block 8, Lot 24. The applicant proposes to demolish an existing building and construct a 2 unit/4 story residential structures. Approved.

Revised plans received on 04-28-2022.

(2.) Juliana Flores. 4116-4120 Bergenline Avenue. Block 240, Lot 17, 18. Legalization of existing catering hall. Approved.

(3.) Kevin Fernandez, 201 New York Avenue. Block 8, Lot 1. New tow (2) family house. Approved.

(4.) Lilian Leon & Alberto Santana, 311 45th Street. Block 257, Lot 25. New two (2) family home. Approved.

(5.) 815 13th Street, LLC, 1218 Kennedy Boulevard, Block 57, Lots 22, 23, 24 & 27. The applicant proposes to construct an elevated outdoor covered terrace in the front and an at grade terrace in the rear of an existing mixed use building that contains a restaurant on the first

1 and second floor. Approved.

2  
3 MR. PANEQUE: Next are the adoption of  
4 resolutions. Resolution number one, SSA  
5 Development II, LLC, 202 Bergenline Avenue, block  
6 8, Lot 24. The applicant proposes to demolish an  
7 existing building and construct a two unit/4 story  
8 residential structure. Approved at the last  
9 meeting, revised plans received on April 28, 2022.

10 Resolution number two, Juliana Flores.  
11 4116-4120 Bergenline Avenue. Block 240, Lot 17,  
12 18, legalization of a catering hall. Approved by  
13 the board at the last meeting.

14 Resolution number three, Kevin  
15 Fernandez, 201 New York Avenue, Block 8, Lot 1,  
16 new two family house, approved at the last  
17 meeting.

18 Resolution number four, Lillian Leon &  
19 Alberto Santana, 311 45th Street, Block 257, Lot  
20 25, new two family home approved at the last  
21 meeting.

22 Resolution number five, 815 13th Street  
23 LLC, 1218 Kennedy Boulevard, Block 57, Lot 22, 23,  
24 24 and 27. The applicant proposes to construct an  
25 elevated outdoor covered terrace in the front and

1 an at grade terrace in the rear of an existing  
2 mixed use building that contains a restaurant on  
3 the first and second floor. Approved by the board  
4 at the last meeting.

5 Do I have a motion to approve these  
6 resolutions?

7 CHAIRPERSON GRULLON: Motion.

8 VICE CHAIRPERSON GUTIERREZ: Second.

9 MR. PANEQUE: Motion made be Chairman  
10 Grullon, seconded by Margarita Gutierrez. Roll  
11 call on the motion. Victor Grullon.

12 CHAIRPERSON GRULLON: Yes.

13 MR. PANEQUE: Margarita Gutierrez.

14 VICE CHAIRPERSON GUTIERREZ: Yes.

15 MR. PANEQUE: Miguel Ortiz.

16 MR. ORTIZ: Yes.

17 MR. PANEQUE: Rosio Pena.

18 MS. PENA: Yes.

19 MR. PANEQUE: Geraldine Perez.

20 MS. PEREZ: Yes, except for number one.

21 MR. PANEQUE: You're recusing yourself  
22 on number one.

23 Motion carried four on the first one,  
24 five on the rest, motion carries.

25 \* \* \* \*

**ADJOURNMENT :**

2

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

6 MR. ORTIZ: Motion.

7 | VICE CHAIRPERSON GUTIERREZ: Motion.

8 MR. PANEQUE: Motion by Margarita  
9 Gutierrez. Seconded by?

10 MR. ORTIZ: Second.

11 MR. PANEQUE: Miguel Ortiz. Roll call  
12 on the motion. Chairman Grullon.

13 CHAIRPERSON GRULLON: Yes.

14 MR. PANEQUE: Margarita Gutierrez.

15 VICE CHAIRPERSON GUTIERREZ: Yes.

16 MR. PANEQUE: Miguel Ortiz.

17 MR. ORTIZ: Yes.

18 MR. PANEQUE: Rosio Pena.

19 MS. PENA: Yes.

20 MR. PANEQUE: Geraldine Perez.

21 MS. PEREZ: Yes.

22 MR. PANEQUE: Motion to close the  
23 meeting carries five, affirmative votes. Let the  
24 record show that the meeting has ended.

25 (The meeting was adjourned at 7:40 p.m.)

C E R T I F I C A T E

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

---

SUSAN BISCHOFF, CCR, RPR  
LICENSE NO. 30XI00233700