

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, June 9, 2022
Commencing at 6:16 p.m.

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

VICTOR M. GRULLON, Chairperson
MARGARITA GUTIERREZ, Vice Chairperson
MIGUEL ORTIZ
GEORGE GARCIA
ROSIO PENA, Alternate #1
MINDRY WATLEY, Alternate #4

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

LIBERO MAROTTA
GERALDINE PEREZ
RAYMOND CETINICH

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

TOMAS PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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

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

J. ALVARO ALONSO, ESQ.
Attorney for Applicant, Bernardino Saavedra

J. ALVARO ALONSO, ESQ.
Attorney for Applicant, 111 35th Street, LLC

ADOLFO LOPEZ, ESQ.
Attorney for Applicant, 547 36th ST UC
Associates, LLC

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Xu, D & E Liang
& Z Wang & N Yang

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 418 JPM
Properties, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, X. D. Yangs
Family II, LLC

I N D E XPAGE

CALL TO ORDER 9

SALUTE TO FLAG 9

ROLL CALL 10

ADOPTION OF MINUTES 11

HEARINGS

Bernardino Saavedra 13

111 35th Street, LLC 17

547 36th Street UC Associates, LLC 25

BB 6th Holdings, LLC 43

Xu, D, E Liang, Z. Wang & N Yang 67

418 JPM Properties, LLC 69

X.D. Yang Family II, LLC 80

ADOPTION OF RESOLUTIONS 101

ADJOURNMENT 103

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

111 35th St, LLC
111 35th Street

WITNESS

PAGE

MANNY PEREIRAS

20

E X H I B I T S

NO.

DOCUMENT

PAGE

NO EXHIBITS MARKED

I N D E X

547 36th ST UC Associates, LLC
546-548 35th Street and 547 36th Street

<u>WITNESS</u>	<u>PAGE</u>
ARTHUR MICHAELS	27
CONNOR HUGHES	35

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
	NO EXHIBITS MARKED	

I N D E X

BB 6th Holdings, LLC
733-35 6th Street

WITNESSPAGE

MANNY PEREIRAS

44

MICHAEL KAUKER

48

E X H I B I T SNO.DOCUMENTPAGE

NO EXHIBITS MARKED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

418 JPM Properties, LLC
418 11th Street

WITNESS

PAGE

MANNY PEREIRAS

69

E X H I B I T S

NO.

DOCUMENT

PAGE

NO EXHIBITS MARKED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

X.D. Yangs Family II, LLC
2200 Bergenline Avenue

<u>WITNESS</u>	<u>PAGE</u>
MANNY PEREIRAS	83
MICHAEL KAUKER	90

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
	NO EXHIBITS MARKED	

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

3 Please take notice that on Thursday,
4 June 9, 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 is on his way, but he's absent at this time. Mr. Garcia.

MR. GARCIA: Here.

MR. VALLEJO: Ms. Pena.

MS. PENA: Here. Ms. Perez is absent. Mr. Cetinich is absent. Ms. Watley.

MS. WATLEY: Here.

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

* * * *

ADOPTION OF MINUTES:

Regular meeting held on May 12, 2022

MR. VALLEJO: Approval of previous meeting of 5/12/2022. Do I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Second by Ms. Gutierrez.

Mr. Paneque, before I roll call on the record, can you put a representation that for the previous meeting, they signed the affidavit?

MR. PANEQUE: Let the record reflect that I've been provided by Mr. Vallejo with the certifications that have been signed by board members George Garcia and Mindry Watley indicating that although they were not present at the zoning board meeting of May 12th, they have completely read all of the minutes of the May 12th meeting and have become themselves acquainted with what took place at that meeting; and, therefore, they can participate on the cases that are continuing at tonight's meeting.

MR. VALLEJO: Thank you, Mr. Paneque.

1 There is a motion to approve the minutes
2 from May 12, 2022, by Mr. Grullon, seconded by Ms.
3 Gutierrez. Roll call on the motion. Mr. Grullon.

4 CHAIRPERSON GRULLON: Yes.

5 MR. VALLEJO: Ms. Gutierrez.

6 VICE CHAIRPERSON GUTIERREZ: Yes.

7 MR. VALLEJO: Mr. Garcia.

8 MR. GARCIA: Yes.

9 MR. VALLEJO: Ms. Pena.

10 MS. PENA: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

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

15 * * * *

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

3
4 MR. VALLEJO: First hearing on tonight's
5 agenda, Bernardino Saavedra, 3806 New York Avenue,
6 Mr. Alonso, please.

7 MR. ALONSO: Good evening, Mr. Chairman,
8 members of the board, for the record, Al Alonso on
9 behalf of Mr. Saavedra. I believe that notices
10 were provided at the prior hearing and the matter
11 was carried to this evening and no testimony was
12 provided at that hearing.

13 With that said, this is an application,
14 kind of a little strange, my client actually got
15 approval from this board in 2007 for the same
16 exact application. In 2008, he obtained building
17 permits and started construction. So that's why
18 if you go by the property, and I provided photos,
19 you see that the second floor addition is already
20 there, because he started --

21 MR. PANEQUE: Mr. Alonso, I'm sorry to
22 do this to you. It's the flower shop.

23 MR. ALONSO: It's the flower shop
24 downstairs, the residential upstairs.

25 MR. PANEQUE: Okay. I had not made a

1 connection, but I just made the connection when
2 your client stood up. I was involved in this
3 application where I represented Mr. Saavedra in
4 obtaining this approval back in 2007.

5 MR. ALONSO: You did a good job.

6 MR. PANEQUE: We have a conflict of
7 interest. As such, this matter -- I cannot be
8 here for this matter. We may need to carry this
9 until we can get another attorney to substitute.

10 MR. ALONSO: Okay.

11 MR. PANEQUE: I had not made the
12 connection, it's been a number of years. You said
13 this was when?

14 MR. ALONSO: 2007 --

15 MR. PANEQUE: Yes.

16 MR. ALONSO: -- is the resolution date.

17 MR. PANEQUE: We were both much younger.

18 MR. ALONSO: Yes.

19 MR. VALLEJO: July 14th?

20 MR. PANEQUE: July 14th.

21 MR. VALLEJO: Carry over.

22 MR. PANEQUE: And just so the record is
23 clear, my office has represented this gentleman in
24 his application back in 2007 when he got it
25 approved. And as such, I am recusing myself from

1 participating in this matter.

2 MR. ALONSO: Fair enough. So then,
3 yeah, just -- I'll leave it up to the board to
4 decide who the board attorney would be, presumably
5 the planning board or somebody else.

6 MR. PANEQUE: We will make
7 accommodations to have somebody here at the next
8 hearing. That's July 14th?

9 MR. VALLEJO: Yes, sir.

10 MR. PANEQUE: Okay.

11 MR. ALONSO: Very good.

12 MR. PANEQUE: Extend my apologies to Mr.
13 Saavedra, I had not made the connection until now.
14 But that comes with old age, it's not working as
15 fast as it should.

16 CHAIRPERSON GRULLON: I make a motion to
17 carry the application.

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

20 MR. VALLEJO: Motion to carry this
21 application to July 14, 2022, by Mr. Grullon.
22 Second by Ms. Gutierrez. Roll call on the motion.
23 Mr. Grullon.

24 CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 VICE CHAIRPERSON GUTIERREZ: Yes.

2 MR. VALLEJO: Mr. Garcia.

3 MR. GARCIA: Yes.

4 MR. VALLEJO: Ms. Pena.

5 MS. PENA: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

8 MR. VALLEJO: Five in favor, motion
9 carries. No new notice required, right?

10 MR. PANEQUE: No new notice required,
11 no. If anybody is here on the application on case
12 number one, 3806 New York Avenue, this matter is
13 being carried to the July 14th meeting.

14 * * * *

15

16

17

18

19

20

21

22

23

24

25

1 **111 35th Street, LLC -**

2 **111 35th Street:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, 111 35th Street. Mr. Alonso,
6 please.

7 MR. ALONSO: Yes. Good evening, members
8 of the board, again, for the record, Al Alonso on
9 behalf of the applicant. This is a request for a
10 one year extension. The board approved this
11 application in -- the resolution was adopted May
12 of 2020, it expired May 2022. The plans actually
13 have been filed with the building department for
14 permits. We believe that we are in time. This is
15 more of a housekeeping matter, just to make sure
16 we have an extension to the extent that the
17 building department requested. But the plans --
18 and Mr. Pereiras is here who filed the
19 construction drawings to obtain the permits.
20 We're just trying to be conservative and make sure
21 we have a resolution.

22 CHAIRPERSON GRULLON: You say, Mr.
23 Alonso, that this applications was approved in
24 May 2020?

25 MR. ALONSO: Correct. This would be the

1 first extension.

2 CHAIRPERSON GRULLON: Again, could you
3 state the reason why the request for an extension
4 at this time?

5 MR. ALONSO: Absolutely. If you recall,
6 May of 2020 was when the resolution was adopted.
7 So we were before the board prior to April, April
8 was when COVID hit and everything shut down.
9 There have been some extensions that were approved
10 by the state as a result of COVID. And I believe
11 again that we fall under all those requirements.
12 So it was COVID, so we couldn't get the
13 construction drawings prepared, we couldn't apply
14 for permits, city halls were closed. And then
15 financing was the other issue, dealing with the
16 banks. So all that delayed my client and now
17 everything is back in operation.

18 CHAIRPERSON GRULLON: Okay. As I can
19 see, this is an application for a three
20 three-families?

21 MR. ALONSO: Correct.

22 CHAIRPERSON GRULLON: And the ordinance
23 changed after that?

24 MR. ALONSO: Correct.

25 CHAIRPERSON GRULLON: And as you know,

1 we're not inclined to be granting an extension.
2 But I'll take into consideration that because of
3 the COVID, you know, situation, that may have been
4 a delay on getting all that.

5 The first thing I'd like to ask you,
6 your client, you say they're ready to proceed now?

7 MR. ALONSO: They actually filed plans
8 already that the building department is reviewing
9 for construction drawings, so they're ready to go.

10 CHAIRPERSON GRULLON: Counselor, I mean
11 if we had to extend, can we extend for like
12 six months instead of like a year? Because I mean
13 I feel that if they're not ready to proceed, I
14 don't want to carry this for too long. And I'd
15 rather get a new application in front of us for
16 three two-family units. If that's the case, if
17 they're not ready to proceed now. But just to --
18 for the benefit of doubt because of COVID and all
19 that, if they were in the process of getting
20 permits and they already have the financial part,
21 I think six months would be more than sufficient
22 for them to get going.

23 MR. PANEQUE: It's a novel question, Mr.
24 Chairman, which I have not had the opportunity to
25 do the legal analysis on. I don't see any reason

1 why the board can't limit an extension, especially
2 under the circumstances that we have now changed
3 the zoning ordinance for permitting only
4 two-family homes. Mr. Alonso, would a six month
5 extension allow your client to get their permits
6 through?

7 MR. ALONSO: I believe it should. And,
8 again, Mr. Pereiras is here, he filed the plans,
9 they're reviewing it. Once they get the go-ahead
10 from the building department, they'll submit --

11 MR. PANEQUE: Let's have Mr. Pereiras
12 step up and be sworn.

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: Mr. Pereiras,
21 again, as you know, the zoning law for the City
22 has changed from three families to two families
23 permitted only. And this application was approved
24 for three-family. You know, normally we're not
25 inclined to grant extensions for anything that is

1 not conforming, but in this case because of COVID,
2 the board is willing to move and allow for a six
3 month extension. Would that be sufficient for the
4 client to -- because, again, I don't want to see
5 the application again asking for more extension.

6 MR. PEREIRAS: Mr. Chairman, we thank
7 you for this extension of six months. Six months
8 should be sufficient to obtain permits.

9 MR. VALLEJO: Allow me one second, Mr.
10 Pereiras. Let the record indicate that Mr. Ortiz
11 joined the meeting. Thank you.

12 MR. PANEQUE: Just as a point of
13 clarification, Mr. Chairman, do we commence the
14 six month period from the date the resolution is
15 signed, which will be next month in July or do we
16 start it from this month?

17 CHAIRPERSON GRULLON: They stated that
18 they already submitted permits. And I believe
19 that from the date of expire of the application
20 which is May 2020.

21 MR. PANEQUE: So you're going back?

22 CHAIRMAN GRULLON: December -- it will
23 be up until December 2022.

24 MR. PANEQUE: So technically that would
25 only be a five month extension because they've

1 already used up one. Mr. Pereiras, would that be
2 enough time?

3 MR. PEREIRAS: It would be.

4 MR. PANEQUE: Mr. Alonso?

5 MR. ALONSO: That's acceptable.

6 MR. PANEQUE: Okay.

7 CHAIRPERSON GRULLON: Any other member
8 has any questions? I mean, with that, I make a
9 motion to -- anyone from the public like to step
10 forward on this application? Hearing none, close
11 to the public.

12 With that, I'm going to make a motion to
13 grant this extension of this application for --
14 until December 30, 2022.

15 VICE CHAIRPERSON GUTIERREZ: I'm
16 seconding.

17 MR. PANEQUE: December 30th?

18 CHAIRPERSON GRULLON: December 30th.

19 MR. PANEQUE: Then it's technically
20 about a seven month extension because you're
21 throwing June in there?

22 CHAIRPERSON GRULLON: Yes.

23 MR. PANEQUE: Right. I have no problems
24 drafting the resolution that way. So if you want
25 to do it to December 31st, then we'll draft it

1 that way, all right.

2 MR. ALONSO: That's acceptable. I'll
3 defer to the board.

4 MR. PANEQUE: Let me just verify the
5 calendar. December 31st falls on a Saturday. So
6 you'll have until December 30th to get your
7 permits through.

8 MR. ALONSO: Very good.

9 MR. PANEQUE: So there's a motion on the
10 table granting the extension to December 30th,
11 2022.

12 MR. VALLEJO: Motion on the table by Mr.
13 Grullon, seconded by Ms. Gutierrez. Roll call on
14 the motion to grant six months extension until
15 December 30, 2022. Mr. Grullon.

16 CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 MR. VALLEJO: Mr. Garcia.

20 MR. GARCIA: Yes.

21 MR. VALLEJO: Mr. Ortiz.

22 MR. ORTIZ: I will abstain since I
23 didn't hear the application.

24 MR. PANEQUE: Okay.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. Watley.

3 MS. WATLEY: Yes.

4 MR. VALLEJO: Five in favor, one
5 abstention, motion carries.

6 MR. ALONSO: Thank you very much. Have
7 a good evening.

8 * * * *

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **547 36th Street UC Associates, LLC -**
2 **546-548 35th Street and 547 36th Street:**

3
4 MR. PANEQUE: Mr. Lopez.

5 MR. VALLEJO: Next application on
6 tonight's agenda, 547 35th Street UC Associates,
7 LLC, 547 36th, 546-548 35th Street. Mr. Lopez,
8 please.

9 MR. LOPEZ: Good evening, Adolfo Lopez
10 appearing on behalf of the applicant.

11 Mr. Chairman, members of the board, good
12 evening. Counsel, just for the record,
13 jurisdiction on this matter was previously
14 established at the May meeting, we made our
15 application, the board requested that we modify
16 the application somewhat. We were here last
17 month, but there was no quorum and we're ready to
18 proceed today with the board's permission.

19 MR. PANEQUE: Okay. Just as a point of
20 clarification, Mr. Lopez, did we establish
21 jurisdiction in May or April because I think May
22 nothing happened because we didn't have a quorum?

23 MR. LOPEZ: No, no, we're in June, I
24 apologize. Yes, we established jurisdiction in
25 April and we took testimony in April. In May,

1 there was no quorum and we're now here in June.
2 I'm getting ahead of myself. The neuron thing and
3 I'm older than you.

4 CHAIRPERSON GRULLON: Mr. Lopez, and our
5 request to reduce the application was in April?

6 MR. LOPEZ: Was in April.

7 CHAIRPERSON GRULLON: And you're here
8 with revised plans?

9 MR. LOPEZ: That's correct.

10 CHAIRPERSON GRULLON: You may proceed.

11 MR. LOPEZ: To that end, just by way of
12 introduction, there were two things you asked us
13 to down size it somewhat and to modify the
14 entry-exit points on the building, which the board
15 felt would be more appropriate for the
16 neighborhood and would help with the traffic flow
17 plan in a much better fashion. We did that.

18 The board additionally asked us to keep
19 the parking ratios more or less based upon the
20 original approval. If the board will recall, this
21 was an approval years ago. And the client are
22 able to acquire the lots immediately next to them
23 to the west. They were approached by the
24 neighbor, who basically told them if you put up
25 that building and with the change in the

1 ordinance, we would have to squeeze in two-family
2 houses and there's nothing else that we could do.
3 So we felt it was a good option.

4 So my -- for today's testimony, I will
5 have the architect provide testimony only as to
6 the changes that we made, based upon what the
7 board requested. There's no real additional
8 planning testimony to be had, it's basically the
9 same thing, there's no modification there. And we
10 brought back our traffic expert to provide
11 testimony based upon the change in driveways.

12 CHAIRPERSON GRULLON: Okay.

13 MR. LOPEZ: Okay. So my first witness
14 would be Arthur Michaels, who previously testified
15 as an architect and planner. His testimony today
16 will be on the architectural aspects of the
17 modifications.

18
19 A R T H U R M I C H A E L S, after having been
20 duly sworn or affirmed, did testify as follows:

21

22 MR. MICHAELS: Arthur Michaels,
23 M-I-C-H-A-E-L-S.

24 MR. LOPEZ: Mr. Michaels, you like to be
25 called Art?

1 MR. MICHAELS: Art, anything is fine.

2 MR. LOPEZ: Art, you heard -- you were
3 here last time, you heard the board's
4 instructions?

5 MR. MICHAELS: Yes.

6 MR. LOPEZ: Were you involved in the
7 preparation of the modified plans for this --

8 MR. MICHAELS: Yes.

9 MR. LOPEZ: -- application. And is that
10 what you have before you today?

11 MR. MICHAELS: Yes.

12 MR. LOPEZ: Can you please describe to
13 the board what modifications were made to the
14 original plan?

15 MR. MICHAELS: Sure. First thing is
16 that we reduced the unit count down from 42 units
17 to 36 units. The new unit mix is 9 one-bedrooms
18 and 27 two-bedrooms. The second thing that we did
19 is that the board requested that the entrance
20 drive -- the driveway off of 36th Street turned
21 into entrance only and that there be an exit onto
22 35th. So what we've done is we've reconfigured
23 the plan. We removed the PSE&G transformer vault
24 to the side; relocated the trash room from on the
25 35th side over to the middle of the building on

1 the westerly side; relocated the electrical room
2 between the transformers slid the stair back, thus
3 providing for an exit drive over onto 35th Street.
4 So to facilitate the trash room moving over
5 towards the westerly side of the building, it
6 required the relocation of the elevator and the
7 reconfiguration of the lobby area.

8 The net change in this ended up meaning
9 that we had to lose two parking spaces to
10 facilitate that change for keeping the circulation
11 and getting circulation in the building.

12 MR. LOPEZ: Art, when you say two
13 parking spaces, not two from the original, but two
14 from the proposal of this application?

15 MR. MICHAELS: That's correct. So you
16 know the two -- we decreased the unit count by six
17 and then had a net loss of two parking spaces.
18 Then on the elevations and so on, we kept the
19 elevations and the building appearance the same
20 other than just a slight adjustment to some
21 windows and the door back on 35th Street to
22 facilitate the moving of the units around and the
23 reconfiguring of the spaces.

24 MR. LOPEZ: And in terms of the square
25 footage of the building overall, that doesn't

1 change, right? The box, if we may call it that,
2 remains the same?

3 MR. MICHAELS: The volume remains the
4 same.

5 MR. LOPEZ: And just for purposes of a
6 visual effect, I know you brought a rendering
7 today. Can you please show the board what the --
8 that there's no change to what --

9 MR. MICHAELS: That's really the
10 rendering from the last time. You know, the
11 rendering really, you know, stays the same as last
12 time on the front. The windows that really have
13 shifted around were more on the sides, back of the
14 building, and then just adding the door for the
15 exit on 35th Street. The front of the building
16 remained the same.

17 MR. LOPEZ: Other than that, all these
18 other changes that you described really don't
19 change the aesthetics at all?

20 MR. MICHAELS: No.

21 MR. LOPEZ: Okay.

22 MR. PANEQUE: Mr. Lopez, if I may
23 interrupt? Are you introducing the rendering as
24 an exhibit?

25 MR. MICHAELS: I think -- did we do it

1 last time?

2 MR. PANEQUE: Is it marked?

3 MR. LOPEZ: I don't remember on the
4 rendering. I don't think -- I may have to because
5 of my next line of questioning is something that
6 is not on here, but I may now introduce the
7 rendering at the end of the testimony over the
8 next questions that I have of the expert.

9 MR. MICHAELS: Do you want me to mark
10 it?

11 MR. LOPEZ: Not yet, we'll do that
12 before your testimony is done.

13 Now, one other thing, which is not on
14 the renderings, but that the owner -- the
15 applicant has requested for this building, they
16 like a particular type of signage which adds to
17 the aesthetic of the building. It will make it
18 look much, much nicer, it's not on here, but on
19 the rendering, the architect can describe for the
20 board what he is proposing and describe the
21 signage. It really adds a lot of aesthetic value,
22 but Mr. Michaels, you're familiar --

23 MR. MICHAELS: What they'd like to do is
24 have a blade sign. And a blade sign is being a
25 vertical sign that extends perpendicular from the

1 base of the building.

2 MR. LOPEZ: It's quite a tall sign,
3 correct?

4 MR. MICHAELS: It's quite tall, it's
5 3 feet wide by 15 feet high. It would be located
6 right in here on this solid piece of the brick and
7 the wall.

8 MR. LOPEZ: Just for the record, the
9 architect, when he says right here, he's
10 describing on the north facing facade of the
11 building, to the -- all the way to the west and
12 immediately to the left of the windows?

13 MR. MICHAELS: Do you want me to sketch
14 it on the elevations?

15 MR. LOPEZ: No, I don't think so. If we
16 describe it for the record, Mr. Paneque --

17 CHAIRPERSON GRULLON: We understand.

18 MR. LOPEZ: The board understands.

19 CHAIRPERSON GRULLON: The only question
20 with sign, is that going to project out?

21 MR. LOPEZ: A little bit, yes, about two
22 feet.

23 MR. MICHAELS: Two feet. The portion of
24 the building, you know, here, where I'm --

25 MR. LOPEZ: And the reason why it's

1 being done that way, where we're proposing it is a
2 portion that's set back.

3 CHAIRPERSON GRULLON: Okay.

4 MR. MICHAELS: So that portion of the
5 building is set back seven feet and change from
6 the property line, you know, and it would come out
7 perpendicular from the building, you know,
8 three feet.

9 MR. LOPEZ: Within the property.

10 CHAIRPERSON GRULLON: Still set back
11 from the property line?

12 MR. LOPEZ: Yes, correct. It would not
13 project on to the sidewalk at all.

14 MR. MICHAELS: On the 36th Street side.

15 MR. LOPEZ: You're proposing another one
16 on --

17 MR. MICHAELS: And then they would like
18 to do one on the 35th Street side as well, okay,
19 which would be right back up in here. And what's
20 here on the elevations, that's a spot where
21 there's no windows. There, the building is
22 setback approximately -- one end is two feet
23 eight, the other is one foot eight. So it's two
24 foot two or something like that. At that point,
25 it would project probably a foot over into the

1 right-of-way. But once again, the bottom of it
2 would be more than 15 feet above the ground.

3 MR. GARCIA: With respect to the sign,
4 is there going to be any sort of lighting
5 component to it or just --

6 MR. MICHAELS: No, I think it's just
7 going to be a sign. Essentially, the name of the
8 building and we think that there's enough ambient
9 light in the street to deal with that.

10 MR. GARCIA: Okay.

11 MR. LOPEZ: It would not be a light box.

12 MR. GARCIA: Okay, thank you.

13 MR. LOPEZ: Very good question. Other
14 than that, anything else that is being proposed?

15 MR. MICHAELS: That was basically the
16 changes to the building at the request by the
17 board.

18 CHAIRPERSON GRULLON: Mr. Michaels, I
19 know the application reduced by six units?

20 MR. MICHAELS: Yes.

21 CHAIRPERSON GRULLON: The size of the
22 units, how did that affect?

23 MR. MICHAELS: The size of the units --
24 once again, the mix is now nine one-bedrooms and
25 27 twos. The one bedrooms range from 780 square

1 feet to 875 for the one bedroom. The two bedrooms
2 range from 1,108 square feet, to 1,257, so they're
3 very spacious units.

4 CHAIRPERSON GRULLON: Okay. I don't
5 have any other --

6 MR. LOPEZ: If there are any questions
7 of the board, I have nothing else of this witness.

8 CHAIRPERSON GRULLON: If we have more,
9 we'll do it at the end.

10 MR. LOPEZ: Very good.

11 CHAIRPERSON GRULLON: Thank you so much,
12 Mr. Michaels.

13 MR. LOPEZ: My next witness is Connor
14 Hughes, who was our traffic expert. Connor
15 previously testified also at the April meeting.

16

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

19

20 MR. HUGHES: Connor Hughes, C-O-N-N-O-R
21 H-U-G-H-E-S.

22 MR. LOPEZ: Connor, you were here also
23 last time when the board gave us specific
24 instructions relating to the traffic flow?

25 MR. HUGHES: Yes.

1 MR. LOPEZ: Based upon the board's
2 request and what has been provided by the
3 architect, did you revise your traffic study area?

4 MR. HUGHES: Yes, we did.

5 MR. LOPEZ: Can you please explain to
6 the board how, if in any way, this changes the
7 traffic pattern and the effects on the
8 neighborhood?

9 MR. HUGHES: As was requested and as was
10 described previously by our architect, those
11 driveways were revised. We now are providing an
12 ingress only along 36th Street and an egress only
13 on 35th Street. This will allow the circulation
14 of traffic to and from the site to be to and from
15 Kennedy Boulevard, rather than to the east via
16 Bergenline. It keeps traffic away from ultimately
17 what will be the new middle school just to the
18 northeast of our site. So appropriately the
19 vehicles will be traveling to and from the
20 vehicular common way of Kennedy Boulevard rather
21 than those other areas.

22 In terms of the analysis of those
23 driveways, we compared those to what was
24 previously proposed. And in terms of levels of
25 service and operations, there really wasn't much

1 change in that sense. I can give you the numbers
2 if you'd like. But again, compared to the
3 previously proposed building with those units
4 decreasing, the levels of service and the analysis
5 of those intersections really did not change.

6 MR. LOPEZ: So obviously there's less
7 units, it would decrease somewhat, but it's an
8 insubstantial amount?

9 MR. HUGHES: That's correct.

10 MR. LOPEZ: And in terms of traffic
11 flow, do you believe this new plan satisfies the
12 board's view of the area, keeping traffic away
13 from the school and Bergenline Avenue?

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

15 MR. LOPEZ: Okay. I have nothing else
16 of him. The prior testimony involved giving all
17 the ratios and all the studies, we don't need to
18 go into that again. As you heard from his
19 testimony, the numbers would actually go down
20 somewhat, but it's insignificant. We do have six
21 less units.

22 CHAIRPERSON GRULLON: I mean I just
23 would like for him to refresh our mind in the
24 trips during peak hours on both sides of the
25 street now that you have a new configuration.

1 MR. HUGHES: Sure. You're asking for
2 the trip gen numbers?

3 CHAIRPERSON GRULLON: Yes, during peak
4 hours.

5 MR. HUGHES: So during the a.m. peak
6 hour, it will be ten total, with two coming in,
7 eight coming out. And in the afternoon, it would
8 be nine total, seven in and two out. Which
9 compared to the originally approved 27 units is
10 only an addition of a couple cars during each of
11 those peak hours.

12 So with those numbers, ten and nine,
13 those are very low, rather insignificant. DOT and
14 ITE sets forth 100 trips is being considered a
15 significant increase. So we're far below that
16 threshold. So there really will not be a
17 perceptible impact from that level of traffic
18 volume.

19 CHAIRPERSON GRULLON: Thank you.

20 MR. HUGHES: You're welcome.

21 CHAIRPERSON GRULLON: Do you have
22 another witness?

23 MR. LOPEZ: That's all. The applicant
24 is here should you have any questions but really
25 just these two witnesses.

1 CHAIRPERSON GRULLON: Okay. The only
2 question I have was regarding the size of the
3 apartment and Mr. Michaels answered it already.
4 And now the peak -- the trips during peak hours, I
5 really, you know, want to thank the applicant for
6 taking consideration and reducing the application.
7 And, you know, just to make sure that we reduce
8 the amounts of cars and also the density of the
9 application.

10 There is one more thing, I don't know if
11 this is actually something that we can enforce.
12 As you know, there's going to be a new school
13 coming up soon and expecting to start construction
14 of the school pretty soon. Is your client ready
15 to proceed, if it's granted?

16 MR. LOPEZ: Immediately.

17 CHAIRPERSON GRULLON: Okay.

18 MR. LOPEZ: That's one of the things
19 that we discussed with the building department,
20 they're ready to expedite it if this board
21 approves it. Our only problem here is -- oh, we
22 have a July meeting, there's no August. So if the
23 application -- if the resolution is adopted at the
24 July meeting, they can start construction
25 immediately.

1 CHAIRPERSON GRULLON: As you know, it's
2 a very much needed school. We have --

3 MR. LOPEZ: Towards the end of the year,
4 I think.

5 CHAIRPERSON GRULLON: We are ready to
6 proceed with the school and when we have students
7 in the school in two years, we don't want to see
8 construction happening at that time.

9 MR. LOPEZ: They can't --

10 CHAIRPERSON GRULLON: Going to be a lot
11 of destruction.

12 MR. LOPEZ: Doesn't make sense for them
13 in any way to hold this any further. Financing is
14 going up and the costs of holding the property are
15 substantial. So no, this is something that's
16 ready to go. And it's Mr. Michaels' firm that's
17 also doing obviously the building drawings. So
18 they're -- when do you think?

19 MR. MICHAELS: The applicant
20 respectfully released us two months ago to do the
21 construction drawings. So we are probably at
22 90 percent complete and they're yelling about it
23 every day because they wanted to get it out to
24 bid.

25 So we are very far along and they've

1 gone to great expense to have it ready, just with
2 the school in mind.

3 CHAIRPERSON GRULLON: Glad to hear that,
4 thank you. Any other members of the board has any
5 question? At this time, I want to open to the
6 public. Any member of the public here for this
7 application? Hearing none, close to the public.

8 MR. LOPEZ: Mr. Chairman, before any
9 vote, I just want to remind the board because I
10 agreed to do so at the May meeting, there was a
11 neighbor here who put her -- our discussions with
12 her on the record at the April meeting. And
13 obviously whatever agreement we had at that point
14 carries to today, we're not changing it in any
15 way.

16 CHAIRPERSON GRULLON: I believe that has
17 to do with fencing?

18 MR. LOPEZ: With fencing, yes. And we
19 are -- we made agreements with her, there's a wall
20 that has to be removed and certain caution has to
21 be taken, all that was put on the record. And my
22 client's commitment remains unchanged.

23 CHAIRPERSON GRULLON: Please.

24 MR. LOPEZ: Yes.

25 VICE CHAIRPERSON GUTIERREZ: Thank you,

1 Mr. Lopez.

2 CHAIRPERSON GRULLON: All right. With
3 that, I make a motion to grant this application.

4 MR. VALLEJO: Motion on the table to
5 grant the application by Mr. Grullon.

6 VICE CHAIRPERSON GUTIERREZ: Second it.

7 MR. VALLEJO: Seconded by Ms. Gutierrez.
8 Roll call on the motion. Mr. Grullon.

9 CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Yes, with
12 all the conditions.

13 MR. VALLEJO: Mr. Garcia.

14 MR. GARCIA: Yes.

15 MR. GRULLON: Mr. Ortiz.

16 MR. ORTIZ: Yes.

17 MR. VALLEJO: Ms. Pena.

18 MS. PENA: Yes.

19 MR. VALLEJO: Ms. Watley.

20 MS. WATLEY: Yes.

21 MR. VALLEJO: Six in favor, motion
22 carries.

23 MR. ALONSO: Thank you so much.

24 * * * *

25

1 **BB 6th Holdings, LLC -**
2 **733-35 6th Street:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda is BB 6th Holdings, LLC, 733-35
6 6th Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Thank you. Good evening,
8 counsel, Mr. Chairman, members the board. May it
9 please the board, Bianca Pereiras on behalf of the
10 applicant for property at 733-735 6th Street, also
11 known as Lot 9.02, in Block 20.

12 Now, you've seen me in front of you on
13 this application quite a few times, but from the
14 last time the jurisdiction was established, we
15 have not provided any testimony. So the
16 application before the board this evening is to
17 renovate, significantly renovate, a building at
18 the corner of Paterson Plank Road and 6th Street
19 and to legalize two units on the second and third
20 floor, as well as convert commercial space on the
21 ground floor to residential. If approved by this
22 board this evening, there would be a total of six
23 residential units on-site.

24 We have two experts to testify before
25 the board this evening and I'd like to begin the

1 presentation with our architect, Mr. Manual
2 Pereiras.

3

4 M A N U E L P E R E I R A S, previously sworn:

5

6 MR. PEREIRAS: Manny Pereiras, I
7 recognize that I am still under oath.

8

9 MS. PEREIRAS: Mr. Pereiras, are you
familiar with the property at 733-35 6th Street?

10

MR. PEREIRAS: I am.

11

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

13

14 MR. PEREIRAS: They were prepared under
my direct supervision.

15

16 MS. PEREIRAS: And would you kindly
describe the proposed application to the board?

17

18 MR. PEREIRAS: I would be very happy to.
19 I'd like to start by really understanding the
20 location of this building. If you look at my
21 first sheet, sheet Z01, these are the same
22 documents that were submitted to the board, simply
23 on the easel for presentation purposes. There's a
24 tax map. And in the tax map, there's a
highlighted area of where the property is.

25

MR. PANEQUE: 808 -- I'm sorry, Mr.

1 Perez, I'm sorry for interrupting. We have one of
2 our board members who has indicated that she may
3 be within the vicinity of the subject of the
4 application. So this is 733-35 6th Street and
5 this is between what and what?

6 MR. PEREIRAS: This is right on the
7 corner between Paterson Plank Road and Summit.

8 MS. WATLEY: I live between Kennedy and
9 Summit.

10 MR. PEREIRAS: What number?

11 MS. WATLEY: 808.

12 MS. PEREIRAS: That is on my list as to
13 an LLC that owns the property.

14 MR. PANEQUE: Okay. The thing is that
15 we have a board member that lives the 200 foot
16 radius, so we'll have her recuse herself.

17 MS. PEREIRAS: Understood.

18 (Ms. Watley recuses from the
19 application.)

20 MR. PEREIRAS: So the property is
21 located in this triangular corner, where you have
22 Paterson Plank Road, Summit Avenue and 6th Street.
23 And it's a very awkward piece of property for a
24 commercial entity there. Even though it has good
25 visibility, it's very awkward and difficult to

1 park. It's really away from the continuity of the
2 commercial corridor of Summit Avenue. And it
3 really just doesn't work as a commercial aspect to
4 it.

5 So we're proposing to change that from
6 commercial to residential to really activate that
7 from a activate standpoint. And make this
8 building truly 100 percent residential. We have
9 an existing three-story structure. We're looking
10 to keep it exactly as a three-story structure,
11 just do a lot of renovations and really bring this
12 building back to quality aesthetics.

13 The building right now, and I'm going to
14 change to sheet Z02, there are three stories and
15 those three stories are existing. There is, on
16 the ground floor, a stair that divides the two
17 sections of the building. And originally that
18 stair continued all the way up that building,
19 where you had the building simply divided into two
20 apartments per floor. Union City unfortunately
21 does not recognize those apartments and it's only
22 recognizes two apartments. However, we're
23 bringing it to what the state where we believe it
24 always was, which is two apartments per floor, for
25 a total of six apartments in this structure.

1 The ground floor, having a two bedroom
2 apartment to the east and a one bedroom to the
3 west. The second floor having a two bedroom to
4 the east and one bedroom to the west. And third
5 floor, again, two bedroom to the east and one
6 bedroom to the west. The east apartments are
7 830 square feet, the west apartments are
8 514 square feet. Except for the ground floor,
9 which is a total of 600 square feet because the
10 stair is smaller on the ground floor. Again,
11 these aren't spaces that we're creating, we're
12 just basically bringing these back to what they
13 were originally as spaces.

14 In doing this construction, we're going
15 to significantly rehab the structure inside and
16 out. It's going to meet all of today's current
17 code standards. It's going to be a fully
18 sprinklered building. It's going to have fire
19 ratings between all the units. It's going to be a
20 single use, meaning all residential, multifamily,
21 which is, I think, an advantage there for this
22 location.

23 And I'm desperately looking forward to
24 fixing this eye sore that our community has for
25 such a long time and make something beautiful in

1 this location.

2 We have a planner that's going to
3 testify as to all the variances. However,
4 everything is a preexisting nonconformity. We
5 have zero side yard setbacks on all sides, zero
6 front yard, zero rear yard. The building is
7 sitting on the property at all sides. And I'm
8 open for questions.

9 CHAIRPERSON GRULLON: Ms. Pereiras, you
10 say you have another witness?

11 MS. PEREIRAS: We do, we have a planner.

12 CHAIRPERSON GRULLON: Mr. Pereiras, I
13 would like to hear the next witness.

14 MS. PEREIRAS: Sure. Mr. Kauker,
15 please.

16

17 M I C H A E L K A U K E R, after having been
18 duly sworn or affirmed, did testify as follows:

19

20 MR. KAUKER: My name is Michael D.
21 Kauker, the last name is spelled K-A-U-K-E-R.

22 MS. PEREIRAS: Mr. Kauker has testified
23 before this board in the past.

24 CHAIRPERSON GRULLON: We accept your
25 qualifications, Mr. Kauker.

1 MR. KAUKER: Thank you very much. Nice
2 to see everybody again.

3 MS. PEREIRAS: Mr. Kauker, are you
4 familiar with the property in question?

5 MR. KAUKER: Yes, I am.

6 MS. PEREIRAS: And have you had an
7 opportunity to review the drawings prepared by
8 Pereiras Architects?

9 MR. KAUKER: In preparation for my
10 testimony this evening, I had an opportunity to
11 not only review the architectural plans that were
12 prepared by Mr. Pereiras, I also had an
13 opportunity to go visit the subject property and
14 the surrounding area. In addition, I reviewed the
15 Union City master plan and the most recent
16 re-examination report, as well as the Union City
17 zoning ordinance.

18 MS. PEREIRAS: And, Mr. Kauker, from a
19 planning perspective, can you please describe this
20 project and focus on the variances that we are
21 seeking?

22 MR. KAUKER: Certainly. Just very
23 briefly in terms of an overview, as Mr. Pereiras
24 mentioned, we're proposing to renovate and
25 rehabilitate this building and construct six

1 residential apartment units within the building,
2 two on each floor. The property itself is located
3 on 733 6th Street. It's actually located on a
4 very small portion of 6th Street. The property
5 itself is somewhat unique as Mr. Pereiras
6 mentioned because of the existing condition of the
7 building and its relationship to the surrounding
8 street network and other surrounding land uses,
9 which I'll go into in a little bit more detail.

10 The property itself is located on the
11 southwest corner of Paterson Plank Road and 6th
12 Street. It's identified as Block 20, Lot 9.02 in
13 the Union City tax records. It has a lot area of
14 1,858 square feet, so it's somewhat small. It's
15 also located within the CN, which is your
16 neighborhood commercial zoning district.

17 The lot currently is occupied by a three
18 story building. As Mr. Pereiras had mentioned,
19 the building itself is somewhat in disrepair and
20 one of the goals of this application and this
21 project is to renovate that building. So it will
22 bring it up into accordance with modern building
23 standards.

24 With respect to the surrounding
25 condition, the surrounding area contains a mix of

1 different land uses, including residential,
2 commercial and mixed use uses as well. More
3 specifically, the property is bounded by a
4 two-story mixed use building, there's a KFC
5 restaurant across the street, there's a
6 three-story multiple family building as well. And
7 then immediately adjacent to the property is what
8 appears to be a large storage yard or facility.

9 With respect to the master plan and the
10 zoning ordinance, I'll go over those briefly. The
11 master plan of the Union City, the last
12 comprehensive plan was last prepared in 2009. The
13 most recent re-examination report was prepared in
14 April of 2021 and it was adopted by the planning
15 board on May 3, 2021. I reviewed the document,
16 it's my opinion that it does not conflict with any
17 of the goals or objectives of that document; and
18 also does specifically promote the following goals
19 and objectives: to provide a balanced mix of land
20 uses and balanced development patterns in
21 appropriate locations in order to preserve the
22 character of the community; to protect and
23 preserve the established residential character;
24 and also to provide a broad range of housing
25 choices. What we're doing here by providing a

1 brand new residential component to the
2 neighborhood is going to serve all those purposes
3 of the -- or objectives of the master plan.

4 Moving on, as I mentioned the property
5 is located in the CN neighborhood commercial
6 district. That district does not permit
7 residential uses on the ground floor. Thus, we're
8 requesting a D1 use variance from the zoning
9 board.

10 As Mr. Pereiras also mentioned, there
11 are a number of preexisting nonconformities
12 related to the existing building condition itself.
13 So I'm going to go over the D and the C variances
14 separately. With respect to the D1 use variance,
15 the Municipal Land Use Law outlines the statutory
16 criteria for variance approval. Essentially, the
17 applicant must make a showing of the positive
18 criteria, as well as the negative criteria. And
19 the positive criteria states that a variance can
20 only be granted in particular cases and for
21 special reasons.

22 Negative criteria consists of two parts.
23 The applicant must show that there will not be a
24 substantial detriment to the public good and also
25 that there will not be a substantial impairment to

1 the intent of the master plan and also the zone
2 plan of the community as well. In addition, with
3 D1 use variance, we must make what is known as the
4 Medici enhanced quality of proof showing,
5 reconciling the omission of the proposed use from
6 the master plan or zone plan itself.

7 With respect to this application, it's
8 my opinion that special reasons exist primarily
9 because the property itself is particularly suited
10 for the proposed use, thus meeting the purpose of
11 zoning to promote the general welfare. It's my
12 opinion that the site is particularly suited for
13 the following reasons:

14 Firstly, as I mentioned before, the site
15 is somewhat unique and can adequately accommodate
16 the residential component in the existing building
17 that's located on the property. So the building
18 itself is one of the special reasons because it
19 can adequately accommodate the renovation and the
20 residential units. What we're doing here also
21 represents adaptive reuse of space in an existing
22 building. So we're not constructing a brand grand
23 new building here, but we're taking what currently
24 exists and reutilizing it. Also because of the
25 influence of the surrounding street network and

1 also the surrounding land uses as well. We're
2 also going to provide additional housing
3 opportunities in Union City, which is going to
4 help provide a balanced mix of housing choices
5 consistent with the master plan.

6 Moving on to the bulk or the C
7 variances, there are a number of bulk variances
8 that exist on the property itself. I'll just go
9 over those briefly, obviously, they're all
10 preexisting nonconforming conditions. Minimum lot
11 area, the zone requires 2,500 square feet, as I
12 mentioned, we have a lot area of 1,858 square
13 feet. These are also taken directly from Mr.
14 Pereiras's plans, so the board doesn't have to
15 really follow my verbal dissertation of these.
16 But I just wanted to put them on the record.

17 Minimum lot depth, 100 feet is required,
18 90 feet exists. Also minimum rear yard, where
19 20 feet is required and 0 feet exists. Maximum
20 building coverage, 80 percent is allowed,
21 100 percent exists. And parking, we require
22 twelve parking spaces, there is no parking on this
23 property. And that condition will remain. So
24 again all these conditions are preexisting
25 nonconforming conditions of the property.

1 Typically when you have a request for a D1 use
2 variance, the Julio case typically comes into play
3 where the request for the bulk variances are
4 subsumed within the request for the D variance.
5 And typically what is shown is that basically
6 within your review of the D1, by showing that the
7 site can accommodate this use, basically you're
8 accepting the fact that the conditions with
9 respect to the bulk requirements can be met as
10 well. So you look at basically the development in
11 its totality when you're reviewing a request for a
12 D1 use variance.

13 So it's my opinion that obviously
14 because they're preexisting conditions, that's a
15 unique situation and somewhat of a practical
16 difficulty that the developer has to deal with.
17 In addition, we're dealing with a pretty small
18 site, which has limited lot depth. So basically,
19 I believe that in order to accommodate what we're
20 proposing to do, we need to maintain those
21 existing nonconforming conditions at the site.

22 Finally, we do promote purposes of
23 zoning from the Municipal Land Use Law. As I
24 mentioned before, we do promote the general
25 welfare, which is purpose A of the Municipal Land

1 Use Law. We also further purpose E, which deals
2 with the establishment of appropriate population
3 densities. And I think that a six unit
4 development in this area is something that would
5 be appropriate for the area, given the surrounding
6 land use conditions in the area, and also the
7 relationship to other similar uses. As I
8 mentioned before, there's another existing three
9 story multiple family home that's located right
10 across the street to the east of the subject
11 property.

12 And also purpose E, to promote a
13 desirable visual environment. As Mr. Pereiras
14 mentioned, we're going to take a building that's
15 currently an eye sore and renovate that structure
16 so it's environmental -- not environmentally, but
17 aesthetically pleasing.

18 Now, finally moving on to the negative
19 criteria, as I mentioned. With respect to the
20 negative criteria, it's my opinion that there will
21 not be a substantial detriment to the public good.
22 As I mentioned, there are no physical changes to
23 the size of the building or the building footprint
24 or the building height, only exterior renovations
25 and interior renovations to obviously make the

1 building aesthetically more appealing, as I
2 mentioned before, and bring the interior units up
3 to code with respect to building standards, so
4 they're going to be a lot safer as well.

5 In addition, or finally, dealing with
6 any impairment to the intent and purpose of the
7 zone plan or the zoning ordinance, I previously
8 went over a number of goals and objectives from
9 the master plan, which I believe this is
10 consistent with. So I do believe it would not be
11 an impairment to the intent and purpose of those
12 planning documents and the community.

13 Finally, the Medici enhanced quality of
14 proof, I would submit to the board that we do meet
15 the Medici enhanced quality of proof. What we're
16 doing here, as I mentioned before, is consistent
17 with other uses and development within the
18 neighborhood.

19 So for those reasons, I would conclude
20 that I do believe that this application meets the
21 burden of proof. And I do feel that the positive
22 criteria do outweigh the negative criteria. And I
23 would -- do feel confident that the board can
24 grant the relief that's being requested this
25 evening. I'll be happy to answer any questions if

1 there are any.

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

4 MR. KAUKER: Thank you.

5 CHAIRPERSON GRULLON: I have a few
6 questions, but my first question is for Ms.
7 Pereiras. This application, at one point, you
8 mentioned that it was in litigation with the City
9 because it was a requirement to demolish the
10 building?

11 MS. PEREIRAS: There is ongoing
12 litigation on this matter. And it's actually
13 reached a little bit of a stalemate pending
14 resolution from this board.

15 CHAIRPERSON GRULLON: Actually, I'm not
16 clear what does that mean. Are you still planning
17 to demolish the building?

18 MS. PEREIRAS: No. So the goal is
19 really to rehabilitate building. We believe that
20 we can do that, continuing to use the structure
21 that we have, and to legalize the conditions that
22 are there while bringing the building up to code.

23 CHAIRPERSON GRULLON: Okay. Then my
24 next question is for Mr. Kauker. Mr. Kauker, you
25 mentioned that this will be kind of -- it would

1 promote affordable housing?

2 MR. KAUKER: No, not affordable housing,
3 but it will promote a variety of housing choices
4 within Union City, consistent with the objectives
5 of your master plan.

6 CHAIRPERSON GRULLON: Actually, I'm not
7 sure anyone can answer this question for me is
8 that by -- you're requesting six units, does that
9 make those units would be by the rent control?

10 MS. PEREIRAS: Under the rent control
11 ordinance of Union City, anything over three
12 family that's not owner occupied would be subject
13 to rent control.

14 CHAIRPERSON GRULLON: Even if there are
15 additional apartments that are new to the
16 structure?

17 MS. PEREIRAS: I will defer to counsel,
18 but I believe they would be subject to rent
19 control.

20 MR. PANEQUE: I will answer that
21 question with a question. And I think I will have
22 the architect, Mr. Pereiras, in your presentation,
23 you indicated that it was your belief that this
24 property had been used as a six family?

25 MR. PEREIRAS: Maybe I misspoke. It is

1 my belief that this property was commercial on the
2 ground floor and then above there were four units
3 and I believe there were always four units. The
4 City only recognizes two of those four apartments.

5 MR. PANEQUE: Okay. Now, the four units
6 that are there, those four units would have been
7 subject to DCA registration, Department of
8 Community Affairs, do you have evidence of a green
9 card or a certification of inspection that those
10 units were ever inspected by the DCA?

11 MS. PEREIRAS: We do not.

12 MR. PANEQUE: Okay. Question number
13 two, do you have any evidence that these units, at
14 four, as you claim existed, were ever registered
15 with the rent control board?

16 MS. PEREIRAS: No.

17 MR. PANEQUE: So there's no evidence
18 that these units existed as a four unit building
19 plus the commercial?

20 MS. PEREIRAS: Correct. The records
21 that we have from the building department or from
22 the municipality only indicate the two residential
23 units over commercial.

24 MR. PANEQUE: Okay. Now, I will try to
25 answer the Chairman's questions because the

1 Chairman's concern here lies within whether these
2 units, if the board legalizes them as a six unit,
3 will be under rent control and affordable. The
4 answer is that if this board were to legalize
5 these six units, and there is no record of rent
6 control ever having registered these units, they
7 would be registered at market rent, which would be
8 substantial amount of rents, and not what this
9 board wants to see these units go for, which would
10 be affordable units, okay.

11 It would be actually left to the
12 property owner to set the market rent for these
13 units. After that market rent is set, going
14 forward, it would fall under rent control. But it
15 would not be subject to a rent controlled amount
16 that had been established going back to the 1970's
17 when the ordinance was established.

18 CHAIRPERSON GRULLON: Okay.

19 VICE CHAIRPERSON GUTIERREZ: Mr.
20 Paneque, so there would be only four units, not
21 six?

22 MR. PANEQUE: It's going to be six
23 because the commercial floor at the bottom is also
24 going to be two additional units.

25 MS. PEREIRAS: Correct.

1 MR. PANEQUE: Yeah. The main concern
2 here, as I see it, okay, is that we are trying to
3 put in a six unit building into an 1,800 square
4 foot lot, okay. And under the ordinance, even for
5 a two-family, you would require 2,500 square feet.

6 So we're not trying to put, you know,
7 something even in a conforming lot, okay. And the
8 chairman asked me about the rent control, whether
9 these units will be subject to rent control as
10 affordable units. And the answer is no, they
11 would be put on the market and rented at whatever
12 amount the market would dictate, thereby
13 circumventing any benefit to the residents that
14 they would be afforded affordable units, okay,
15 because they didn't exist. Does that answer your
16 question?

17 CHAIRPERSON GRULLON: Yes, yes, thank
18 you, thank you, Counselor.

19 My next question would be for Mr.
20 Pereiras. The facade of the building shows that
21 reconstruction in the front with something else in
22 the back?

23 MR. PEREIRAS: Correct, vinyl siding.

24 CHAIRPERSON GRULLON: For clarification,
25 are you proposing to make it like a unique

1 structure?

2 MR. PEREIRAS: We want to unify it to
3 look like one complete structure. I'll show the
4 elevations. So we're repairing all the brick
5 along the front, we're creating a stucco base that
6 continues both structures. And then the top
7 portion on the right will be vinyl and we're
8 wrapping along Paterson Plank Road, the reparation
9 of the brick above.

10 CHAIRPERSON GRULLON: That's the front
11 of the building to Summit Avenue?

12 MR. PEREIRAS: To Summit Avenue, yes.

13 CHAIRPERSON GRULLON: I mean if we
14 decide to grant this application, would it be
15 possible to have it all brick?

16 MR. PEREIRAS: Yes. Mr. Chairman, I
17 think that's -- I think it would be a
18 significantly better application if it were all
19 brick and we would be happy to comply.

20 CHAIRPERSON GRULLON: Another, you know,
21 question that I have is the size of the units --

22 MR. PEREIRAS: Yes.

23 CHAIRPERSON GRULLON: -- that you
24 proposing, it has 600 feet and 800 feet. What are
25 the requirements for one bedroom and two bedrooms?

1 MR. PEREIRAS: So the one bedroom, we
2 have one unit that's 600 feet. The units above
3 are 514 and 514, so we are less than what the
4 requirement is.

5 CHAIRPERSON GRULLON: What about the two
6 units you say?

7 MR. PEREIRAS: The two bedrooms, we're
8 compliant. The two bedrooms on the other side of
9 the building are 830 and 830 square feet. Mr.
10 Spatz, 800 is the minimum?

11 MR. SPATZ: 750.

12 CHAIRPERSON GRULLON: For two bedroom?

13 MR. PEREIRAS: So the two bedrooms are
14 compliant, the one bedrooms are not.

15 CHAIRPERSON GRULLON: At this point, I
16 don't have any other questions. Do you have any
17 questions? All right. Let me take a two minute
18 break off the record.

19

20 (Discussion held off the record.)

21

22 MR. PANEQUE: Back on the record. Ms.
23 Pereiras, we had the opportunity to conference
24 this, not only with the board members, but with
25 yourself, and certain issues have been brought to

1 your attention as well as the board members
2 dealing with the rentability amount of these
3 units. As discussed, one of the ways to control
4 the amount of the rent is a possible registration
5 with the rent control board of the six units,
6 which technically do not exist yet. But our
7 suggestion was to try to see if we can get the
8 rent control board to set an amount and the
9 suggestion was \$1,200, Mr. Chairman, per unit?

10 CHAIRPERSON GRULLON: Correct.

11 MR. PANEQUE: That also would have to be
12 agreed to with the City in the litigation aspect
13 of it. And if you come back with those results,
14 then the board would entertain the rest of this
15 application.

16 MS. PEREIRAS: Thank you.

17 MR. PANEQUE: So for purposes of today,
18 are you requesting that the matter be adjourned?

19 MS. PEREIRAS: We are.

20 MR. PANEQUE: And you're waiving the
21 time requirements?

22 MS. PEREIRAS: Absolutely.

23 MR. PANEQUE: Thank you. Is there a
24 motion?

25 CHAIRPERSON GRULLON: Motion to adjourn

1 this application.

2 VICE CHAIRPERSON GUTIERREZ: Second.

3 MR. VALLEJO: To July 14, 2022, motion
4 by Mr. Grullon, seconded by Ms. Gutierrez. Roll
5 call on the motion. 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. Pena.

14 MS. PENA: Yes.

15 MR. VALLEJO: Five in favor, motion
16 carries. Can you please provide me a new revised
17 application?

18 MS. PEREIRAS: Sure, Mr. Vallejo.

19 MR. VALLEJO: Thank you.

20 * * * *

21

22

23

24

25

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

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Xu, D and E. Liang and Z Wang
6 and N Yang, 213 Roosevelt Street. Ms. Pereiras,
7 please.

8 MS. PEREIRAS: Thank you, Mr. Vallejo.
9 Bianca Pereiras on behalf of the applicant.
10 Unfortunately, after much deliberation, the
11 applicant in this matter has decided not to pursue
12 this application any further. As such, we are
13 withdrawing it from the board's consideration at
14 this time.

15 MR. PANEQUE: The application is
16 withdrawn, Ms. Pereiras, thank you.

17 MR. VALLEJO: Wait, 213 Roosevelt is
18 withdrawn?

19 MR. PANEQUE: On 213, Ms. Pereiras,
20 you're asking that this application be withdrawn?

21 MS. PEREIRAS: Yes.

22 MR. PANEQUE: Is there a motion -- the
23 Chairman is recusing himself on this vote. Is
24 there a motion for the application to be
25 withdrawn?

1 VICE CHAIRPERSON GUTIERREZ: I make a
2 motion.

3 MR. ORTIZ: Second.

4 MR. VALLEJO: Motion to accept the
5 withdrawal, motion by Ms. Gutierrez. Seconded by
6 Mr. Ortiz. Roll call on the motion. Ms.
7 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. Pena.

14 MS. PENA: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

17 MR. VALLEJO: Five in favor, motion
18 carries.

19 * * * *

20

21

22

23

24

25

1 **418 JPM Properties, LLC -**
2 **418 11th Street:**

3
4 MR. VALLEJO: The next application on
5 tonight's agenda 418 JPM Properties, LLC, 418 11th
6 Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant. The board may recall --
9 actually for purposes of the record, jurisdiction
10 was established at the last meeting. We put some
11 testimony on the record, but did not complete our
12 presentation, so we will complete that today. But
13 as a brief reminder, this is an application to
14 legalize an existing three family.

15 The applicant is very much -- has lot of
16 experience in rehabbing and has rehabbed quite a
17 few properties in Union City. And it is his goal
18 to renovate this building, which desperately needs
19 some attention so we can have three beautiful
20 units on-site. We have one expert to testify and
21 that is our architect, Mr. Manuel Pereiras.

22
23 M A N U E L P E R E I R A S, previously sworn:

24
25 MR. PEREIRAS: Manny Pereiras, I

1 recognize I am still under oath.

2 MS. PEREIRAS: Mr. Pereira, we
3 understand that you testified last time on this
4 property, but we did not conclude your
5 presentation, so if you could please present to
6 the board. I don't recall if there were any
7 members that were not here last time, but I think
8 it's better if you refresh us all on the
9 application.

10 MR. PEREIRAS: I'd be very happy to. We
11 have a typical Union City lot that's 25 by 100.
12 On that property, there's an existing house. That
13 house has a zero side yard setback on both sides
14 and it has a front yard back of only 3 foot
15 10 inches. One of the first things that we're
16 doing in our application is tearing down the front
17 of the house. We're tearing down 8 feet 4 and a
18 half inches on the ground floor in order to be
19 able to provide parking spaces in front of the
20 this house. Because this is a very congested
21 neighborhood and we want to make sure that we
22 provide parking on-site. So we can have two cars
23 in the driveway and of course one on the curb on
24 the street as well.

25 In addition to that, we're demolishing a

1 portion on the side of the house facing the east,
2 so we can create a three foot side yard setback
3 there, so we could present windows within this
4 structure.

5 In addition to that, we're doing a rear
6 addition to this property. However we are leaving
7 a rear yard setback of 15 feet so that we keep the
8 rear yard that we think is so important here in
9 Union City.

10 Just to go down the variances, very
11 clearly, we have a use variance because we're
12 requesting a three family house. We have an
13 existing nonconformity for the side yard, which
14 we're expanding on, and parking. We have a
15 parking variance as well.

16 Turning now to sheet Z02, we have the
17 existing conditions of the house. This was an
18 illegal three family structure and we're looking
19 to make this into a legal three family structure.
20 If you look at the existing conditions of the
21 house, it was a mishmash of things, particularly
22 very noticeable because this entire front section
23 of the house is missing. It's a horrible eye sore
24 on the neighborhood and we've been working with
25 the City in order to rectify that. And pending

1 this board's decision, moving forward to really
2 significantly improve this building.

3 Sheet Z04 shows all the areas in the
4 building which we're demolishing. As you can see
5 there's lots of the portion of the structure that
6 are being removed. And then finally on sheet Z05,
7 we see our proposed condition. What we're doing
8 is very simple. We're having an open floor plan
9 in the front where we have our kitchen, dining
10 room, and living room. Then we have three
11 bedrooms in the rear with the rear last unit being
12 a master with a walk-in closet and a bathroom.
13 This is the same on all three floors.

14 Moving to the elevations, we're
15 significantly improving the facade of this
16 building, making it something attractive that fits
17 into the neighborhood as far height, we're not
18 looking to change that in any way, just making the
19 building fit into that neighborhood as a three
20 story structure and compliant with our height
21 ordinance.

22 Before I conclude my testimony, I just
23 want to speak a little bit about the applicant.
24 The applicant is someone who has multiple
25 properties in town and they really fix properties

1 like this up, that is their MO. They fix these
2 properties and then they have it at a very
3 inexpensive rate to rent. And that's one of the
4 reasons they want to be able to get three units in
5 this property, so that they can keep the rents for
6 each of these units very inexpensive for the
7 neighborhood. And the applicant could speak about
8 this as well.

9 And that concludes my testimony. I'm
10 open for questions.

11 CHAIRPERSON GRULLON: Mr. Pereiras,
12 could you go over the setbacks again?

13 MR. PEREIRAS: I'd be very happy to.
14 Using the site plan, if you go to the westerly
15 property line, this is the existing portion of the
16 structure, that stays, because we're not
17 demolishing that. That's the existing side line
18 and that's at zero setback. However, where we're
19 doing our addition, we're setting the building
20 back two feet to be fully compliant with the
21 ordinance on that two foot side for the side yard.

22 On the east side, we are demolishing the
23 existing zero side lot yard and creating 3 foot 1,
24 so we're literally peeling that facade back to
25 create the side yard and we're compliant on that

1 side as well. Our front yard setback is 9 foot 7,
2 which is compliant with the ordinance as well.
3 And then our rear yard, we're requesting a
4 variance there. We're at 15 feet whereas 20 is
5 required, but we're providing a 15 foot rear yard
6 there.

7 And just to talk a little about the
8 adjacent properties, there's a large warehouse
9 building immediately next to this property towards
10 the west, so we're not inconveniencing them in any
11 way with the rear yard. And on the east side,
12 there's a shed immediately next to our property,
13 so we're not going to be inconveniencing anyone
14 there with the addition either.

15 So we are requesting the rear yard
16 setback variance, but it is minor and it's not
17 inconveniencing any of the neighbors. And if you
18 go to the opposite side, that's where the car wash
19 is, Martin's Car Wash there. So we're not
20 inconveniencing any neighbor on that side either.
21 So that's why we're asking for the five foot
22 reduction in rear yard setback.

23 And the other sides, we're improving.
24 We're improving the front yard, we're improving
25 the side yard. We're in compliance with height,

1 we're in compliance with both stories and height
2 of the structure. And we're in compliance with
3 the lot coverage and building coverage as well.

4 CHAIRPERSON GRULLON: Mr. Pereiras, the
5 existing building that is there, could you
6 describe it? Is it like an abandoned building or
7 something like that?

8 MR. PEREIRAS: Yes. We took great care
9 in to documenting the conditions of the building.
10 We want the board to understand how the units were
11 configured. As you can see here, there were three
12 separate apartments and three separate kitchens
13 currently.

14 CHAIRPERSON GRULLON: Is that -- sorry,
15 is that existing?

16 MR. PEREIRAS: That's existing. It's in
17 horrible disrepair. It's in a dangerous situation
18 and the applicant purchased this building with the
19 structure in that dangerous situation. We did an
20 application to this board, we were concerned that
21 it was going to collapse and therefore, the
22 applicant took out an emergency permit in order to
23 stabilize the structure.

24 So we stabilized the structure and we
25 removed a lot of the interior that's there. So

1 this isn't there currently, the walls and the
2 kitchens. But it was there when he purchased the
3 property. He took the initiative to stabilize and
4 fix this property.

5 CHAIRPERSON GRULLON: But it's being
6 used as three units?

7 MR. PEREIRAS: So right now, it's
8 abandoned. But it was being used as three units.

9 CHAIRPERSON GRULLON: I see on the
10 initial page, on the first page Z01, there's a
11 building next to the property. Could you
12 described that? See the white building?

13 MR. PEREIRAS: So there's a structure
14 both to the east and to the west. The structure
15 to the east is a residential house. I don't know
16 if it's two or three units, but it's comparable in
17 scale and size. And to the west, it's a
18 warehouse. It's actually recessed about 35 feet
19 and then there's a large warehouse where there is
20 storage of school supplies. It's a school supply
21 company that has been using it for the past
22 ten years. And they've been using it for storage
23 on both floors of it.

24 CHAIRPERSON GRULLON: And if this
25 application is granted, will the new construction

1 in that proposed plan will be higher than that
2 building next to it?

3 MR. PEREIRAS: No, it's not. It's the
4 same height.

5 CHAIRPERSON GRULLON: What is the height
6 that you're proposing?

7 MR. PEREIRAS: I believe we're at
8 35 feet and I will reference it with my drawing in
9 a second. We are at 35 feet.

10 CHAIRPERSON GRULLON: You said the
11 building is abandoned now, there's no one living
12 in it?

13 MR. PEREIRAS: Correct.

14 CHAIRPERSON GRULLON: I don't have any
15 other questions. Do you have another witness, Ms.
16 Pereiras?

17 MS. PEREIRAS: We do not.

18 CHAIRPERSON GRULLON: Do you have any
19 questions, any members of the board, any
20 questions? I'm just going to make my motion on
21 this and I'm just going to tell you my opinion on
22 this. You know, just looking at lots abandoned
23 like that, they are hazardous and dangerous to the
24 community. And just to try to bring it back to
25 life and renovate it, I also want to make a

1 comment that the building was previously used for
2 three family, I know the ordinance now is closed
3 for two families. Since it was previously used as
4 a three family, it is going to make the condition
5 better of the building and for the neighborhood
6 that it really needs to lift up the appearance of
7 the neighborhood. I would make a motion to grant
8 the application.

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

11 MR. VALLEJO: Motion on the table to
12 grant the application by Mr. Grullon and seconded
13 by Ms. Gutierrez. Roll call on the motion. Mr.
14 Grullon.

15 CHAIRPERSON GRULLON: Yes.

16 MR. VALLEJO: Ms. Gutierrez.

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 MR. VALLEJO: Mr. Garcia.

19 MR. GARCIA: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. Pena.

23 MS. PENA: Yes.

24 MR. VALLEJO: Ms. Watley.

25 MS. WATLEY: Yes.

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

3 MS. PEREIRAS: Thank you all very much.

4 * * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **X. D. Yangs Family II, LLC -**
2 **2200 Bergenline Avenue:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, X.D. Yangs Family II, LLC, 2200
6 Bergenline Avenue. Ms. Pereiras, please.

7 MS. PEREIRAS: Thank you.

8 MR. VALLEJO: Let the record reflect
9 that Mr. Garcia is going to recuse himself from
10 the rest of the meeting.

11 MR. PANEQUE: For the record, I've been
12 provided by Ms. Pereiras with the certification as
13 to publication and service, which indicates that
14 notice of tonight's hearing was provided to all
15 property owners within 200 foot radius, as well as
16 the affidavit of publication from The Jersey
17 Journal with a publication date of May 28, 2022,
18 as well as the copy of the notice giving notice of
19 the hearing at this location on tonight's date and
20 time, as well as the certified mail list from the
21 tax assessor's office with a date of May 31st,
22 2022, and the certified mail slips with a date of
23 May 26, 2022.

24 The record should also reflect that Ms.
25 Pereiras had provided me with this information

1 ahead of time and I had reviewed them and they all
2 appear to be in compliance. Therefore, this board
3 has jurisdiction to proceed and hear this matter.
4 Thank you, Ms. Pereiras.

5 MS. PEREIRAS: Thank you very much,
6 Counsel.

7 MR. VALLEJO: I received from the
8 building department notice of violation on this
9 property, I got it right here. I just want to
10 provide it to you. They give me this violation.

11 MR. PANEQUE: For the record, I've been
12 proceed by Mr. Vallejo a notice and order of
13 penalty with respect to the property 2200
14 Bergenline Avenue. I've also been provided with a
15 notice of violation order to terminate with
16 respect to this property indicating that the owner
17 was cited and asked to remove interior separation
18 walls. The owner's been cited for exterior facade
19 cornice in disrepair, must repair immediately,
20 must erect a sidewalk bridge for pedestrian
21 protection, must obtain required permit
22 inspection, must obtain report from a New Jersey
23 licensed engineer certifying structural integrity
24 of the exterior facade and masonry. And this is
25 duplicate, so these notices of violation have been

1 provided. Ms. Pereiras, were you aware of those?

2 MS. PEREIRAS: I was not.

3 MR. PANEQUE: Okay. They have a date --
4 the first notice is dated December 26, 2003, the
5 second is dated December 26, 2003, the next one is
6 dated April 26, 2022, the next one April 26, 2022,
7 and the last one April 10, 2021.

8 So there's a history here of violations
9 dating back to 2003 and as recent as April of this
10 year.

11 MS. PEREIRAS: This property was
12 actually purchased by my clients a few months
13 before the pandemic hit in 2019. So now knowing
14 that those violations are there, we'll make sure,
15 hopefully, if this board grants approval this
16 evening that we can correct those conditions with
17 the building department.

18 MR. PANEQUE: Okay. I will note for the
19 record that the violations from April of this year
20 were all issued to X.D. Yangs Family II, LLC,
21 which is the applicant?

22 MS. PEREIRAS: Correct.

23 MR. PANEQUE: Okay. Thank you. You may
24 proceed.

25 MS. PEREIRAS: Thank you very much. I'm

1 actually very happy to have this application
2 before the board, we all know this building. This
3 is that bank on the corner of 22nd Street and
4 Bergenline that has been vacant for quite some
5 time. I am eager to see it revitalized and
6 renovated and used. We'd love to see some life in
7 there.

8 So the application before the board this
9 evening is to renovate it so we can provide some
10 residential units on-site. We have two experts to
11 testify before the board. I'd like to begin the
12 presentation with our architect, Mr. Manuel
13 Pereiras.

14

15 M A N U E L P E R E I R A S, previously sworn:

16

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

19 MS. PEREIRAS: Mr. Pereiras, are you
20 familiar with the property at 2200 Bergenline
21 Avenue?

22 MR. PEREIRAS: Very familiar.

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

25 MR. PEREIRAS: I have.

1 MS. PEREIRAS: Would you kindly describe
2 the change of use and renovations that we're
3 proposing?

4 MR. PEREIRAS: I'd be very happy to. We
5 have a lot that's 47 wide, 100 deep and we're in
6 the CN zone as in being in the CN, zone we could
7 tear this building down and we could build two
8 structures with commercial underneath each one and
9 three apartments above each of the structures for
10 a total of 6 units and two commercial structures.

11 That said, it would be a crime to do
12 such a thing. This is one of the most beautiful
13 buildings in Union City, it is a gorgeous
14 structure. But the question is, what do we do
15 with the structure, it's 5,000 square feet per
16 floor, it's two stories plus a basement. How do
17 we adaptively reuse this so it makes sense for our
18 community and we salvage this beautiful structure
19 and be able to do the repairs mentioned earlier by
20 counsel that are so desperately needed to fix the
21 cornice and things of that nature.

22 This is the proposal that we thought of
23 in order to make this happen. We are proposing to
24 use the ground floor as a mixed use floor. First
25 and foremost, the corner, being on Bergenline

1 Avenue, I thought it was very important to keep
2 that as commercial. Bergenline Avenue is our
3 lifeline in Union City. And any other use other
4 than commercial on that ground floor would really
5 be a shame. So we thought it was very important
6 to keep that commercial. And what we created is
7 2,732 square feet of commercial along that on
8 Bergenline Avenue, that was a no brainer.

9 Then on the second floor, it was a
10 strong question of what we could do. Office space
11 doesn't generally work, it's empty. It doesn't
12 work for retail, it doesn't work for commercial.
13 The only logical thing is residential, which is in
14 line with our master plan. But the question is we
15 have 5,000 square feet here, what do we put. And
16 we thought the best use of that would be four
17 apartments. And we created four two-bedroom
18 apartments very easily and simply divided by
19 creating a new stair on this corner and utilizing
20 the existing stair on the other end, and creating
21 a corridor between. And then we have a
22 two-bedroom apartment that is 752 square feet,
23 784 square feet, 839 square feet and 925 square
24 feet, so comfortable size beautiful two-bedroom
25 apartments. But then we have a big issue with

1 code because we have four units. Once you have
2 four units, it triggers Americans with
3 Disabilities Act and we need to provide some type
4 of wheelchair accessibility.

5 So we started looking at that ground
6 floor again. And in order to meet the
7 requirements of code and federal requirements,
8 we're proposing a ground floor unit along the
9 rear. And it's basically a studio apartment, but
10 a good sized studio apartment, we have 620 square
11 feet. And what we're doing is we're excavating
12 that front -- that area along 22nd Street, so that
13 you could walk in at grade or roll in if you're in
14 a wheelchair and ramp up to that existing level
15 here. So that we're creating ADA accessibility to
16 both the commercial spaces and for that apartment
17 that's there.

18 There's a little bit more intricacy in
19 this building as well. Because if you see the
20 stairwell here, that stairwell leads you to an
21 existing mezzanine that is dividing that
22 commercial space. That first floor is a very tall
23 area and it has a tall ceiling in the front, but
24 there's an existing mezzanine in this portion and
25 that's just going to be office space for the

1 owners of the building, so that they'll have some
2 office space there. We're not creating any
3 additional space, we're just taking adaptively
4 reusing the spaces that we have and making them
5 work in a way that meets our master plan and works
6 with our community.

7 And if this board were to act favorably
8 upon this presentation, we'll be able to salvage
9 one of Union City's beautiful buildings and really
10 restore that facade and fix that cornice. That
11 concludes my presentation for now.

12 CHAIRPERSON GRULLON: Mr. Pereiras, the
13 building has a basement?

14 MR. PEREIRAS: Yes.

15 CHAIRPERSON GRULLON: Can you describe
16 the basement again?

17 MR. PEREIRAS: I'd be happy to. So
18 right now, the basement is very awkward. It used
19 to be an old bank, of course, and in the old
20 banks, you had your safety deposit boxes. And
21 then you would go into smaller rooms and they had
22 all these little kind of like 3 by 3 rooms along
23 this portion where people used to go and have
24 privacy doing their work. They also had telephone
25 booths, several telephone booths and they had a

1 vault. We're proposing to demolish everything
2 that's not the vaults or not one of these massive
3 walls, so that the commercial tenant can use that
4 space as well. So whether the commercial
5 tenant -- let's say it's a shoe store, they have
6 additional space below. They could have storage
7 below, they could have -- so it's just more
8 commercial space on this application.

9 VICE CHAIRPERSON GUTIERREZ: Mr.
10 Grullon, like 40 years, there was a school there.
11 Years ago, like 40 years ago.

12 CHAIRPERSON GRULLON: And the proposed
13 application is to create -- to convert this to one
14 commercial and five -- four residential?

15 MR. PEREIRAS: So the application is
16 five residential apartments, four on the second
17 floor and one on the ground floor. We have a
18 commercial space on the ground floor, a commercial
19 space in the basement, it could be used together,
20 it could be used apart. Commercial spaces, this
21 board doesn't grant how many spaces there are, it
22 just grants the volume of the space, the area of
23 the space. And then we have that office in the
24 mezzanine as well. So the application consists of
25 all those components.

1 CHAIRPERSON GRULLON: Are you proposing
2 any changes to the facade of the building?

3 MR. PEREIRAS: So the only changes that
4 we have are that we're creating a new stair, so
5 that stair has to have an access to it on
6 Bergenline Avenue. Other than that, we're
7 repairing the existing facade. So there are
8 significant repairs that are going take place,
9 upgrading the windows, upgrading the cornice,
10 making sure it's intact, but it's a historical
11 repair.

12 CHAIRPERSON GRULLON: Sure. I mean the
13 building's been unoccupied for a long period of
14 time.

15 MR. PEREIRAS: Yes.

16 CHAIRPERSON GRULLON: I would say maybe
17 like 20 years.

18 MR. PEREIRAS: So this is actually the
19 third time I did drawings for this building for
20 three different applicants. I had a previous
21 applicant that was going to make this into a gym.
22 The problem with this building is that all these
23 repairs cost a lot of money and people got scared
24 with it. This is an applicant that's willing to
25 take this to the next level, willing to finish

1 this building, and I hope we act favorably upon it
2 because the longer we wait, the more damage the
3 structure is going to have.

4 CHAIRPERSON GRULLON: I mean something
5 that I see is that we are seeing a lot of
6 violations because of the time that the building
7 is being empty. We need to take care of these.
8 Do you have any questions for this application?
9 If anybody has any questions, do you have any
10 other witness?

11 MS. PEREIRAS: Do we do have one planner
12 to testify, Mr. Kauker.

13 CHAIRPERSON GRULLON: Mr. Kauker, you're
14 back.

15 MR. KAUKER: Good evening. Nice to see
16 you again.

17 MR. PANEQUE: You're still sworn.

18 MR. KAUKER: Yes.

19

20 M I C H A E L K A U K E R, previously sworn:

21

22 MS. PEREIRAS: Mr. Kauker, would you
23 kindly describe the proposed application from a
24 planning perspective?

25 MR. KAUKER: Certainly. As Mr. Pereiras

1 mentioned, this is an application to renovate and
2 repair an old historic bank building with a mixed
3 use proposal consisting of retail office and five
4 residential units, one of which is an ADA
5 compliant residential unit on the ground floor.

6 Very briefly, the board's aware of where
7 the property is located on Bergenline Avenue and
8 22nd street. It's a corner lot. It's located
9 again in the CN neighborhood commercial district.
10 And the property is somewhat larger than what the
11 minimum lot area calls for, it's 4,700 square feet
12 where the minimum lot area requirement is
13 2,500 square feet. It's currently occupied by the
14 two story bank building. With respect to the
15 surrounding area, obviously Bergenline area, as
16 Mr. Pereiras mentioned, is one of the primary
17 commercial corridors. There are a number of mixed
18 uses, residential uses and office uses in the
19 immediate neighborhood.

20 With respect to my review and analysis
21 of this application, I had an opportunity to
22 review the master plan and the zoning ordinance.
23 Now, with respect to the master plan document, the
24 last re-examination report was prepared and
25 adopted in 2021. Again, there are a number of

1 goals and objectives that we are consistent with
2 with respect to that document. Number one is to
3 preserve the character of community, number two is
4 to provide a broad range of housing choices,
5 number three is to capitalize on the City's
6 proximity to Manhattan, and number four to improve
7 the quality of live of all residents of Union
8 City.

9 As I mentioned, the property is located
10 in the CN commercial district, we require a D1 use
11 variance because of the one ADA apartment unit
12 that's located on the ground floor, as residential
13 is not permitted on the first floor of a building.
14 It is permitted on the upper floors though. So
15 with respect to the application, we require a D1
16 use variance. There are some preexisting
17 nonconforming conditions with respect to the bulk
18 criteria.

19 Moving right into the D1, as the board
20 is aware, the applicant must make an affirmative
21 showing of both the positive and negative
22 criteria. With respect to this application, it's
23 my opinion that the site is particularly suited.
24 And that the general welfare is promoted for the
25 following reasons. The site's particularly suited

1 because of the presence of the existing two story
2 bank building. As Mr. Pereiras mentioned, it's
3 somewhat historically significant with respect to
4 the architectural design. What we're going to do
5 is repair that structure and ensure that it will
6 be maintained in the future, through the
7 redevelopment of the property or the
8 rehabilitation or adaptive reuse of the interior
9 of the structure. Again, as Mr. Pereiras
10 mentioned, we're providing an ADA compliant unit,
11 which I think would be a benefit to the community
12 as well on the ground floor.

13 I talked about the lot size. The lot
14 side is 4,700 square feet, so it's large enough to
15 accommodate the use even though we're within an
16 existing building. The existing building itself
17 can adequately accommodate the proposal that's
18 being designed by Mr. Pereiras. As he mentioned,
19 he went through a number of different iterations
20 on this property and I think he came up with one
21 that finally works well within the structure and
22 can be constructed.

23 With respect to the C variances, there
24 are a number of C variances that are preexisting
25 nonconforming conditions. Actually, there are

1 three. With respect to minimum rear yard, a 20
2 foot minimum rear yard is required, zero feet
3 exists; maximum building coverage of 80 percent is
4 permitted where 97 exists; and there are zero
5 parking spaces provided on the site and obviously
6 there's no parking spaces proposed.

7 As I mentioned with the last
8 application, the bulk variances would really be
9 subsumed within the request for the D variance.
10 And obviously, it's a somewhat unique condition
11 and a hardship because there are preexisting
12 nonconforming conditions. One of the other things
13 that I thought was relevant with respect to Mr.
14 Pereiras's testimony, he talked about wanting to
15 preserve the building and the fact that it could
16 be knocked down and probably build two structures
17 that would pretty much comply. But I think what
18 we have here is something where we're preserving
19 the historic structure on the property and
20 repairing it.

21 Moving on to the negative criteria. It
22 is my opinion there will be no substantial
23 detriment to the public good. We have an existing
24 building, there's no change in terms of the
25 footprint or the height of the structure itself.

1 There were minor changes with respect to providing
2 the ADA access to the building.

3 With respect to any impairment on the
4 intent and purpose of zone plan or zoning
5 ordinance, it's my opinion that there would not be
6 any. I went over a number of goals and objectives
7 in the master plan that I do believe that we
8 further. And then finally, the Medici enhanced
9 quality of proof, I think that even though we
10 provide an apartment unit, residential apartment
11 unit on the ground floor, it is for an ADA
12 compliant unit. So I think that that's something
13 that would be consistent with the intent and
14 purpose of both the master plan and the zoning
15 ordinance itself.

16 Having said that, it's my opinion that
17 the applicant has met the burden of proof. I
18 believe that the positive criteria and aspects of
19 the application outweigh any negative criteria and
20 I do think that the board can feel confident in
21 granting the requested variances. Thank you.

22 CHAIRPERSON GRULLON: Thank you, Mr.
23 Kauker. Mr. Kauker, the negative criteria of this
24 application, like parking, not providing parking,
25 could you give us your opinion on that?

1 MR. KAUKER: Well, there are zero
2 parking spaces provided on the site now. I think
3 you're going to have a mixed use development
4 that's being proposed. So obviously commercial
5 space along Bergenline Avenue, if my recollection
6 is correct, I don't even know if there's a
7 requirement for commercial use along Bergenline
8 Avenue. But there's on street parking that is
9 provided there.

10 So I think that the four units and then
11 the ADA compliant unit can be adequately served.
12 Obviously, the residential uses typically have a
13 demand for parking when the commercial uses don't.
14 So typically you would see kind of -- you know,
15 during the day, you would have the use of the
16 commercial parking. And then during the evening
17 hours, you would have use for the residential
18 parking. So I think it would work well in the
19 area.

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

22 MR. KAUKER: Thank you.

23 CHAIRPERSON GRULLON: Mr. Pereiras, one
24 more question. You say there are no proposed
25 renovations for the exterior of the building?

1 MR. PEREIRAS: No, it's --

2 CHAIRPERSON GRULLON: No curb cut or any
3 damage to do with the sidewalk. We have brand new
4 sidewalk there.

5 MR. PEREIRAS: So as respects to a curb
6 cut or parking, it would be a hardship that -- it
7 would be a hardship for the City if we were to
8 damage this building by creating a garage opening
9 into it. I think it would be a crime.

10 We have no opportunity to create parking
11 on the site. We're not proposing a curb cut,
12 we're not proposing any changes to the sidewalk.
13 However, we are going to have to cut the sidewalk,
14 we are going have to cut the street because we're
15 going to bring a fire line into the building.

16 That said, the building department has
17 very strict lines in how to move forward with
18 that. The applicant is going to put money up in
19 escrow to make sure that the sidewalk and the
20 street get repaired. And we're responsible to
21 repair that and replace the sidewalk and replace
22 the street in its entirety, in corners with the
23 ordinances of Union City. So that will take place
24 and it's going to be part of the application.

25 And as far as the facade, we're not

1 changing, but we're repairing everything. So
2 there are -- particularly along 22nd Street,
3 there's a part of the cornice that is damaged and
4 hanging. That whole section has to be replaced
5 and reconstructed in its location to match the
6 adjacent. So we're proposing to do that and
7 restore the beauty of that facade.

8 CHAIRPERSON GRULLON: Thank you, Mr.
9 Pereiras. Any other members has any questions?
10 Hearing none, do you have any other witness?

11 MS. PEREIRAS: We do not.

12 CHAIRPERSON GRULLON: That concludes
13 your testimony?

14 MS. PEREIRAS: It does.

15 CHAIRPERSON GRULLON: At this point, I
16 want to open to the public. Any member of the
17 public want to step forward on this application?
18 Hearing none, close to the public.

19 First of all, I'm glad this building --
20 this is one of the, you know, nicest buildings in
21 town. And I'm glad that the applicant is
22 proposing to keep the structure. And trying to
23 bring that building back to life, you know, bring
24 another business and bring in housing that is
25 needed to the City.

1 With that, and also one condition that I
2 would like -- I don't know if you could put it as
3 a condition, but, you know, those violations, they
4 need to be clear. You know, I want to see if we
5 can put that on the record to make sure that
6 you -- that your client takes care of the
7 violation soon. With that, I make a motion to
8 grant this application.

9 VICE CHAIRPERSON GUTIERREZ: Second.

10 MR. VALLEJO: Motion on the table to
11 grant the application by Mr. Grullon, seconded by
12 Ms. Gutierrez. Roll call on the motion. Mr.
13 Grullon.

14 CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 VICE CHAIRPERSON GUTIERREZ: Yes, with
17 all the conditions.

18 MR. GRULLON: Mr. Ortiz.

19 MR. ORTIZ: Yes.

20 MR. VALLEJO: Ms. Pena.

21 MS. PENA: Yes.

22 MR. VALLEJO: Ms. Watley.

23 MS. WATLEY: Yes.

24 MR. VALLEJO: Five in favor, motion
25 carries.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. PEREIRAS: Thank you very much.

* * * *

1 **ADOPTION OF RESOLUTIONS:**

2
3 (1.) La Q Realty, LLC, 797 33nd Street. Block
4 116, Lot 15. Change of use from a mixed use
5 grocery/warehouse and 1 residential unit to four
6 (4) residential. The approved resolution was
7 memorialized on June 10, 2021.

8
9 (2.) Old Monk Capital, LLC - 419 7th Street.
10 Block: 27 Lot: 13. Addition of rear deck to an
11 existing two (2) family home. **Approved**

12
13 (3.) Torres, Alejandro and Nancy. 209 19th
14 Street. Block: 176 Lot: 20. The applicant
15 proposes to construct an addition to the rear of
16 an existing two family dwelling. **Approved**

17
18 MR. VALLEJO: We are moving to
19 resolutions now. We have three resolutions on
20 tonight's agenda. First resolution, La Q Realty,
21 LLC, 707 22nd Street. Resolution number two, Old
22 Monk Capital, LLC, 419 7th Street. Resolution
23 number three, Torres, Alejandro and Nancy, 209
24 19th Street.

25 Can I have a motion to adopt these

1 resolutions?

2 CHAIRPERSON GRULLON: Motion to adopt
3 the resolutions.

4 MR. VALLEJO: Motion by Mr. Grullon.

5 VICE CHAIRPERSON GUTIERREZ: Second it.

6 MR. VALLEJO: Seconded by Ms. Gutierrez.
7 Roll call on the motion to adopt these
8 resolutions. Mr. Grullon.

9 CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: Yes.

14 MR. VALLEJO: Ms. Pena.

15 MS. PENA: Yes.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Five in favor, motion
19 carries.

20

21 * * * *

22

23

24

25

1 **ADJOURNMENT:**

2
3 MR. VALLEJO: There being no other
4 applications on tonight's agenda, can I have a
5 motion to close tonight's meeting? Motion by Mr.
6 Grullon. Seconded by?

7 VICE CHAIRPERSON GUTIERREZ: Ms.
8 Gutierrez.

9 MR. VALLEJO: All in favor?

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

12
13 (Whereupon the meeting was adjourned at
14 8:25 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