

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, July 14, 2022
Commencing at 6:06 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 (at 6:23 p.m.)
GEORGE GARCIA
ROSIO PENA, Alternate #1
GERALDINE PEREZ, Alternate #2
MINDRY WATLEY, Alternate #4

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

JOHN MEDINA
LIBERO MAROTTA
RAYMOND CETINICH

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

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Board Counsel

NEIL MAROTTA, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

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Schluender

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Attorney for Applicant, Edward Medina

ADOLFO LOPEZ, ESQ.
Attorney for Applicant, Jasen Bellamy

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Attorney for Applicant, BB 6th Holdings, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Christina Bui

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Jacques Minoyan

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, GN Management, Inc.

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 510 Bergenline
Ave, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 314 37th, LLC

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BERNARDINO SAAVEDRA
3806 New York Avenue

WITNESSPAGE

AMY HUMMERSTONE

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I N D E X

CHRISTOFF SCHLUENDER
1801-1803 Cliff Street

WITNESS

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MANNY PEREIRAS

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NO.

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NO

EXHIBITS

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JASEN BELLAMY
816 21st Street

WITNESSPAGE

MANNY PEREIRAS

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JASEN BELLAMY

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NO

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BB 6TH HOLDINGS, LLC
733-35 6th Street

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CHRISTINA BUI
302 24th Street

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510 BERGENLINE AVE., LLC
510-514 Bergenline Avenue

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EXHIBITS

MARKED

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

3 Please take notice that on Thursday,
4 July 14, 2022, at 6:00 p.m., a regular meeting is
5 scheduled for the City of Union City Zoning Board
6 of Adjustment, to be held in Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

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

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

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

21

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

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

MR. VALLEJO: Roll call. Mr. Grullon.

CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Mr. Marotta is absent.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

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

MR. GARCIA: Here.

MR. VALLEJO: Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

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

MS. WATLEY: Here.

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

* * * *

ADOPTION OF MINUTES:

Regular meeting held on June 9, 2022

MR. VALLEJO: Approval of previous meeting minutes of June 9, 2022. Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

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

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Abstain.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

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

1 **GN MANAGEMENT, INC. -**

2 **704 PALISADE AVENUE:**

3
4 MR. VALLEJO: We're going to change a
5 little bit tonight's agenda, we're going move
6 first to Number 8, GN Management, Inc., 704
7 Palisade Avenue. Ms. Pereiras, please.

8 MR. PANEQUE: Let the record the
9 following: I've been provided by Ms. Pereiras
10 with the following documentation. I have a
11 certification as to publication and service, which
12 is signed by Ms. Pereiras, which indicates that
13 notice of this application with respect to the
14 property located at 704 Palisade Avenue was
15 provide to all property owners within the 200 foot
16 radius on July 1, 2022.

17 I've also been provided with the
18 affidavit from The Jersey Journal indicating that
19 notice was published in The Jersey Journal on July
20 2, 2022. The notice does indicate that the
21 hearing with respect to the property at 704
22 Palisade Avenue will take place at this location,
23 at the Union City High School.

24 I've also been provided with a certified
25 mail lift from the tax assessor's office dated

1 July 7, 2022, listing all property owner within
2 the 200 foot radius of 704 Palisade Avenue, as
3 well as the certified mail receipts with a stamp
4 date of -- looks like July 1st?

5 MS. PEREIRAS: That's correct.

6 MR. PANEQUE: I can't make out the stamp
7 because it's blurry, but July 1st is what it
8 appears to be. Based on the documentation that
9 has been provided by Ms. Pereira, this board has
10 jurisdiction to proceed and hear this matter.

11 MR. VALLEJO: Allow me one second for
12 the record, next time please provide at least a
13 few days before the hearing by email to Mr.
14 Paneque, please.

15 MS. PEREIRAS: Happy to do so.

16 MR. PANEQUE: Thank you.

17 MR. VALLEJO: Thank you. Go ahead, Ms.
18 Pereira.

19 MS. PEREIRAS: May it please the board,
20 Bianca Pereira on behalf of GN Management, Inc.,
21 for property at 704 Palisade Avenue.

22 MR. PANEQUE: Ms. Pereira, I believe
23 that there's an application to carry this matter
24 to the next meeting?

25 MS. PEREIRAS: I believe that's the --

1 CHAIRPERSON GRULLON: Yes. For this
2 application, I would like the board to have the
3 opportunity just to visit the area and get more
4 information about the application. The
5 application just came in front of us, we didn't
6 have the opportunity. I want to make sure it's
7 fair to everybody, to the public, and also to the
8 applicants and come up with the correct decision.

9 For that reason, I'm requesting you to
10 carry it to the next possible board meeting?

11 MS. PEREIRAS: I have no objection, Mr.
12 Chairman.

13 CHAIRPERSON GRULLON: With that, we will
14 have to waive the --

15 MR. PANEQUE: Ms. Pereira, do you waive
16 the statutory time period in which this board can
17 hear the application?

18 MS. PEREIRAS: I do.

19 MR. PANEQUE: Thank you. Is there a
20 motion?

21 CHAIRPERSON GRULLON: Motion to carry
22 this application to the September 9th meeting.

23 VICE CHAIRPERSON GUTIERREZ: I'll
24 second.

25 MR. VALLEJO: Motion on the table by Mr.

1 Grullon, seconded by Ms. Gutierrez to carry over
2 this application for September 8, 2022, same
3 place, no new notice required.

4 Roll call on the motion. Mr. Grullon.

5 CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Ms. Gutierrez.

7 VICE CHAIRPERSON GUTIERREZ: Yes.

8 MR. VALLEJO: Mr. Garcia.

9 MR. GARCIA: Yes.

10 MR. VALLEJO: Ms. Pena.

11 MS. PENA: Yes.

12 MR. VALLEJO: Ms. Perez.

13 MS. PEREZ: Yes.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Yes.

16 MR. VALLEJO: Six in favor motion
17 carried. That will be September 8, 2022, 6 p.m.,
18 same place.

19 MR. PANEQUE: Thank you, Mr. Vallejo.

20 For those members in the audience who are here
21 tonight on the application for 704 Palisade
22 Avenue, this application is being carried to the
23 September 8th meeting. You will not receive any
24 new notice. So if you're interested in speaking
25 either in favor or against this application, you

1 must be here on September 8 at 6:00 p.m., when the
2 application will be heard okay. Since the
3 application is not being heard by the board
4 tonight, we will not be taking any questions or
5 any kind of statements at this time because the
6 application is not being presented.

7 MR. VALLEJO: Thank you, Mr. Paneque.

8 * * * *

1 **BERNARDINO SAAVEDRA -**
2 **3806 NEW YORK AVENUE:**

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

7 MR. PANEQUE: For the record on
8 application number 1, I am recusing myself because
9 of a conflict of interest, I'm being substituted
10 by attorney Neil Marotta.

11 MR. VALLEJO: Thank you, Mr. Paneque.

12 Please, Mr. Alonso.

13 MR. ALONSO: Thank you. Good evening,
14 members of the board. For the record, Al Alonso
15 on behalf of the applicant. At the last hearing,
16 the notices were accepted by the board and the
17 board took jurisdiction.

18 MR. MAROTTA: That's my understanding.

19 MR. ALONSO: As indicated previously,
20 there was a conflict of interest, so we're here
21 tonight with Mr. Marotta as counsel for the board.

22 I'm just going to give a little bit of
23 an overview because this project has some history
24 to it. Back in 2007, this board granted the
25 approvals to build what we are proposing this

1 evening. In 2007, we had a resolution, I
2 previously submitted it to the board attorney, I
3 marked it already as A-1. And there's also
4 another document, A-2. My client started the
5 construction in 2008. As you may recall in 2008
6 was when the recession started, we ran out of
7 funds. It took a long time for him to be able to
8 recoup himself and get the funds necessary to
9 complete the project. If you were to drive by the
10 building, it almost looks like it's completed,
11 people didn't realize it's actually not completed.

12 In 2017, he actually picked up again.
13 And he prepared revised construction drawings to
14 meet the current construction code. They were
15 submitted to the building department, the building
16 department has been reviewing it. I also have a
17 plan review log, which I marked as A-2, which
18 shows the work that the building department has
19 been doing on the construction drawings in order
20 to issue the new permits because the old permits
21 expired.

22 Just prior to the issuance of those
23 permits, they realized that that resolution had
24 expired. So the board -- so the building
25 department has referred us back to the board to

1 present it again so that we can get a new
2 resolution so they can then issue the permits.

3 So with that said, I'm going to provide
4 these to Mr. Marotta. I have with us the
5 architect, just have her sworn in.

6

7 A M Y H U M M E R S T O N E, after having been
8 duly sworn or affirmed, did testify as follows:

9

10 MR. ALONSO: I'm just going to call you
11 Amy, if I may?

12 MS. HUMMERSTONE: Sure.

13 MR. ALONSO: Amy, I'm going to ask you
14 to present your qualifications in the field of
15 architecture, beginning with your educational
16 background?

17 MS. HUMMERSTONE: I have a degree in
18 architect from Pratt Institute, 1990. And I was
19 licensed in the State of New Jersey in 1994. I
20 also have a license in the State of New York and
21 the State of Rhode Island.

22 MR. ALONSO: And have you testified in
23 boards such as this in the past?

24 MS. HUMMERSTONE: Yes.

25 MR. ALONSO: Your qualifications have

1 been accepted?

2 MS. HUMMERSTONE: Yes, they have.

3 CHAIRPERSON GRULLON: We accept the
4 qualifications. You may proceed.

5 MR. ALONSO: Thank you, Mr. Chairman.
6 Amy, I'm going to ask you to review with the board
7 the proposal and just confirm that what I've
8 indicated is correct in terms of the history of
9 this project?

10 MS. HUMMERSTONE: Yes, it's correct. So
11 I thought I'd just show you the elevations, what,
12 as the attorney said, is already there. The front
13 elevation, it was a one-story flower shop and
14 there's a two-story apartment, but it's one
15 apartment that's on top. So it's got the brick
16 veneer on the front and the siding on the other
17 side. It's a sprinklered building, one hour rated
18 all throughout. And the aesthetics fit in nicely
19 with the neighborhood and will make a good fit.
20 So we just --

21 MR. ALONSO: And how many bedrooms is
22 the apartment?

23 MS. HUMMERSTONE: It is three bedrooms
24 and a computer room.

25 MR. ALONSO: Is there any proposed

1 parking?

2 MS. HUMMERSTONE: No.

3 MR. ALONSO: Okay. And that's an
4 existing condition?

5 MS. HUMMERSTONE: Yes.

6 MR. ALONSO: Okay. Is there any
7 possibility of providing parking on the site?

8 MS. HUMMERSTONE: No, I don't believe
9 so. The existing building is built out on the
10 whole site.

11 MR. ALONSO: Does your plan include a
12 zoning analysis table?

13 MS. HUMMERSTONE: Yes.

14 MR. ALONSO: Would you please describe
15 to the board the variances being requested?

16 MS. HUMMERSTONE: So there's some
17 existing nonconforming that will remain, lot size
18 and coverage, but -- and lot width, and lot depth.
19 So the variances that are being requested, front
20 yard setback, rear yard setback, side yard
21 setback, off street parking spaces.

22 MR. ALONSO: Okay. And those are all
23 existing conditions, correct?

24 MS. HUMMERSTONE: Yes.

25 MR. ALONSO: Okay. And can you tell us

1 to the extent that the construction has commenced,
2 how much more is required in order to finish?

3 MS. HUMMERSTONE: It's all framed, it's
4 enclosed. It's just the interior, the Sheetrock
5 is not in, the wiring is in, the plumbing is in.
6 It's really just the finishes, the stud walls are
7 up, but none of the Sheetrock and the kitchen and
8 bathrooms aren't installed yet.

9 MR. ALONSO: Mr. Chairman, I have no
10 further questions.

11 CHAIRPERSON GRULLON: Do you have
12 another witness?

13 MR. ALONSO: I had a planner who was
14 here at the last meeting. I just looked around, I
15 don't see him here yet. If the board would like
16 testimony from a planner, then we would have to
17 continue at another hearing, but --

18 CHAIRPERSON GRULLON: Let me ask my
19 questions of the architect. First, this is a
20 three story building?

21 MS. HUMMERSTONE: Yes.

22 CHAIRPERSON GRULLON: Three story
23 building, how many apartments exist right now?

24 MS. HUMMERSTONE: Just one.

25 CHAIRPERSON GRULLON: Just one. And the

1 application is -- proposed application is to add
2 another apartment?

3 MR. ALONSO: No, it's one total
4 apartment.

5 CHAIRPERSON GRULLON: One total
6 apartment.

7 MR. ALONSO: It's a two story apartment.

8 CHAIRPERSON GRULLON: Just finishing the
9 construction?

10 MR. ALONSO: Correct.

11 MS. HUMMERSTONE: Correct.

12 CHAIRPERSON GRULLON: Okay. And the
13 square footage of the apartment, do you know?

14 MS. HUMMERSTONE: The first floor of the
15 apartment, so the second floor, is 969 square
16 feet. And the second floor of the apartment, the
17 third floor, is 361 square feet.

18 CHAIRPERSON GRULLON: But it's the same
19 apartment?

20 MS. HUMMERSTONE: Yes, it's a master
21 bedroom suite upstairs, just overlooking the
22 living room below.

23 CHAIRPERSON GRULLON: Okay. Could you
24 go over the side yard setbacks again one more
25 time? I didn't catch it, the side yard?

1 MS. HUMMERSTONE: Side yard setback,
2 it's -- so 3 feet is required on each side. The
3 existing is .7 feet on one side, .8 feet on the
4 other. And we're maintaining that .7 feet and .8
5 feet because the existing site. I mean before the
6 construction, it was a one-story flower shop.

7 CHAIRPERSON GRULLON: Preexisting
8 condition?

9 MS. HUMMERSTONE: Existing, yes.

10 CHAIRPERSON GRULLON: The height of the
11 building?

12 MS. HUMMERSTONE: It's 33.2 feet, three
13 stories.

14 CHAIRPERSON GRULLON: And, again, it's
15 going to be three bedroom, you say, and a computer
16 room?

17 MS. HUMMERSTONE: Yes. The computer
18 room is because, the fire rating required, we
19 couldn't have a window in there, so it can't be a
20 bedroom without a window. So it's just an office.

21 CHAIRPERSON GRULLON: I don't have any
22 more questions. Any members of the board has any
23 questions? This is a D1, I believe it's
24 requirement for you to have a planner, testimony
25 of a planner.

1 MR. VALLEJO: Let the record indicate
2 Mr. Ortiz joined the meeting at 6:23.

3 CHAIRPERSON GRULLON: It's a D1
4 application?

5 MR. VALLEJO: We have seven members.

6 MR. ALONSO: That's correct. Presumably
7 there was a planner at the original hearing and
8 the board heard the testimony in terms of the D1
9 proofs. I would just submit that those proofs
10 carry forward and they continue. Because again
11 we're not changing the application as was
12 originally presented and approved.

13 MR. MAROTTA: We're going to take a look
14 at the original resolution.

15 CHAIRPERSON GRULLON: We can go off the
16 record, please.

17

18 (Discussion held off the record.)

19

20 CHAIRPERSON GRULLON: Back on the
21 record. I mean we're just trying to understand,
22 it's a one family proposal. And maybe because of
23 the variance that you're asking, you have a little
24 bit of height variance, side yard variance, it's a
25 D1.

1 MR. ALONSO: There's no height variance.

2 CHAIRPERSON GRULLON: There's no height
3 variance.

4 MR. ALONSO: The permitted height is 38
5 feet, we're at 32 feet.

6 CHAIRPERSON GRULLON: Yeah. Then we're
7 okay. Any board member has any questions?
8 Hearing none, you don't have anymore witnesses.
9 At this time, I'm going to open it to the public.
10 Any member of the public want to step forward on
11 this application? Hearing none, close to the
12 public.

13 Taking into consideration that the
14 applicant is just trying to complete the
15 construction of what he started in 2017 and he's
16 not adding additional apartments, I make a motion
17 to approve this application.

18 VICE CHAIRPERSON GUTIERREZ: I'll
19 second.

20 MR. VALLEJO: Motion on the table to
21 approve the application by Mr. Grullon, seconded
22 by Ms. Gutierrez. Roll call on the motion. Mr.
23 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. Perez.
7 MS. PEREZ: Yes.
8 MR. VALLEJO: Ms. Watley.
9 MS. WATLEY: Yes.
10 MR. VALLEJO: Six in favor, motion
11 carries.
12 MR. ALONSO: Thank he very much. Have a
13 good evening.
14 * * * *
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1 **CHRISTOFF SCHLUENDER -**
2 **1801-1803 CLIFF STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Christoff Schluender, 1801-1803
6 Cliff Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Good evening, counsel,
8 Mr. Chairman, members of the board. May it please
9 the board, Bianca Pereiras on behalf of the
10 applicant for property located at 1801-1803 Cliff
11 Street, also known as Lots 25 and 26 in Block 177.

12 I had previously submitted my
13 jurisdictional submissions to counsel, just to
14 confirm for the record that everything is in
15 order?

16 MR. MAROTTA: That is correct. I've
17 reviewed the submissions, all notices have been
18 mailed. We have the proofs for that, so there is
19 jurisdiction by the board.

20 MS. PEREIRAS: Thank you very much,
21 counsel. The application before the board this
22 evening is to demolish an existing residence and
23 detached structure to create three new single
24 family homes. The property is located on
25 northwestern corner of Cliff Street and 18th

1 Street. And we're located in the R low density
2 residential zone.

3 We have a few variances and I'd like to
4 present begin our presentation with our architect,
5 Mr. Manuel Pereiras.

6
7 M A N U E L P E R E I R A S, after having been
8 duly sworn or affirmed, did testify as follows:

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

13 MS. PEREIRAS: Mr. Pereiras has
14 testified before the board in the past.

15 CHAIRPERSON GRULLON: We accept your
16 qualifications.

17 MR. PEREIRAS: Thank you.

18 MS. PEREIRAS: Thank you.

19 Mr. Pereiras, are you familiar with the
20 property at 1801-1803 Cliff Street?

21 MR. PEREIRAS: I am.

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

24 MR. PEREIRAS: I did.

25 MS. PEREIRAS: And would you kindly

1 describe for the board and members the proposed
2 application?

3 MR. PEREIRAS: I'd be very happy to.

4 For purposes of this presentation, I
5 took the same drawings that were submitted to the
6 board and I put them on the easel that you see in
7 front of you. I'd like to present using that
8 easel. On sheet Z01, we could see the existing
9 and the proposed site plans that we have. This is
10 kind of an odd situation that we have here, an odd
11 sized lot. We're right on the corner of Cliff
12 Street and 18th Street. And this is a lot that's
13 50 feet wide off of Cliff Street and 75 feet deep.
14 I think traditionally, what you would see before
15 this board is that we would have two two-family
16 houses side by side off of Cliff Street, it's
17 what's typical on a 25 foot lot. But we are an
18 undersized lot and I didn't think that that was
19 appropriate in this situation.

20 However, we have a lot that is
21 3,750 square feet and a two-family house would
22 also not be appropriate because it wouldn't fit
23 right. And considering the sizes of the
24 neighboring structures, we decided to look at this
25 differently. And instead of building these two

1 two families to build single family homes. What
2 we're doing is three one family homes, so that the
3 density of it seems right for the size of the lot
4 and the scale of it is nice and exactly what Union
5 City has been asking for, the small scale
6 buildings. So we're having one family homes and
7 we're keeping this short, three stories and we're
8 providing parking for each one of these houses.
9 So it fits perfectly with the master plan of Union
10 City, it fits perfectly with the vision that Union
11 City has, and particularly for this neighborhood.
12 So it's a very small scale project that I feel
13 really works with this neighborhood.

14 And so what we did is we created three
15 separate one family homes, okay. And we treated
16 them as if we're having setbacks for the typical
17 houses as per Union City. So starting off on the
18 west side, we have two foot setback there. And
19 then between the houses, we're providing
20 four feet, so that each house has two feet and
21 there's a full four feet between the houses. And
22 the next two houses have another four feet. And
23 then we setback three foot three, so just like a
24 typical house, Union City plan, that has two feet
25 on one side and three feet on the other, we did

1 that as over the all scheme. We have two feet on
2 one side and three feet on the other on Cliff
3 Street and setting back those three feet allow to
4 us create landscaping along Cliff Street. So we
5 provided a 3 foot berm of landscaping that's 50
6 feet wide all long Cliff Street to really beautify
7 that neighborhood, which I think is a significant
8 change to that little neighborhood spot.

9 The front of the houses, we're setting
10 back two foot eight. Now, I'd like you to make
11 note that the adjoining property to the west is
12 right on the property line. So I think it would
13 have been fair to put our houses right on the
14 property line, but we didn't want to do that. We
15 wanted to add a level of landscaping and we wanted
16 to add those two feet eight inches so that we'll
17 have additional site lines also coming out of the
18 garages, since we have cars coming out of there.
19 So that gives an added level of protection for
20 cars that are coming out there. So we created a
21 two foot eight front yard setback there as well.

22 And then on the rear side, we created a
23 backyard that's ten feet. So that we're really
24 separated from the other property along Cliff
25 Street by ten feet.

1 And this is a blowup of the ground floor
2 of what we're proposing. And as you could see
3 these are single family homes, so we're allocating
4 two parking spaces for each of these houses. So,
5 you know, if there's a couple living there and
6 they each have a car, they have enough for two
7 cars in the garage. We have mechanical units in
8 the garage, we have the garbage area so that they
9 could store the garbage on-site in the garage in
10 the sealed closet. And that is located here, so
11 as you can see, it's ample room to have two cars
12 comfortably parked.

13 The pedestrian entrance to the building
14 is right next to it, where you enter into a small
15 vestibule and you go up the stairs. We also have
16 a door so that when you park your car, you don't
17 have to come out of the garage, you can go
18 straight into the vestibule and you're already in
19 your house. And this is the same floor plan here
20 and then here, you could also see blowing up, the
21 way we have the setback on the front so we can
22 create some additional landscaping, have some
23 pavers that match the Union City sidewalks, and
24 the additional landscaping that we have all along
25 Cliff Street over here.

1 So you go up the stairs and you land up
2 here. And you have an entire floor that's
3 dedicated for your living space, a kitchen in the
4 rear, open layout, dining room and living room.
5 One big beautiful space and then a small powder
6 room on that floor as well. Same thing for the
7 three houses.

8 Then we turn the page and we have three
9 bedrooms on the third floor. Very simple design.
10 There's a master bedroom and then two bedrooms for
11 children, so it's very family oriented single
12 family house. And it's the same design again for
13 the three houses. And there's a stair going to
14 the roof so there's additional outdoor space for
15 these families that they can enjoy.

16 The design of it, as you can see, we are
17 at 33 feet 7 inches height, so we're below what
18 the ordinance demands. So we're -- these are very
19 modest, very small scale projects that really fit
20 well into the neighborhood. The materials that we
21 use, we're using brick, we're using glass, we're
22 using panels. It's just a very simple beautiful
23 building.

24 This is the facade of the typical unit.
25 And then since the corner unit wraps around Cliff

1 Street, we have a slightly different facade there,
2 so that we have a little bit of added interest on
3 Cliff Street, where we have the material wrapping
4 around the building, the brick and the siding that
5 we have there as well. This is seeing it in
6 whole, the three units. We have some pictures of
7 the neighborhood, if you have any questions on
8 what's around it. As you can see, our project is
9 very modest in scale compared to the rest of the
10 neighborhood. And, finally, this is what we're
11 proposing to do. So that concludes my testimony
12 and I'm open for your questions.

13 CHAIRPERSON GRULLON: Ms. Pereiras, do
14 you have another witness?

15 MS. PEREIRAS: No, we were going to have
16 a planner testify, he could not make it at the
17 last minute. However, considering the scale of
18 this project, that they're only one families, I
19 think we can proceed without that testimony.

20 MR. MAROTTA: I think you need a
21 planner --

22 CHAIRPERSON GRULLON: Because of the
23 area, you know, the proximity to the school, we
24 would like to hear testimony from a planner.

25 MS. PEREIRAS: That's fine.

1 MR. MAROTTA: Definitely a larger impact
2 than what's currently there now.

3 CHAIRPERSON GRULLON: Yes. Let me ask a
4 couple questions of the architect before we move
5 on. The existing conditions, can you describe the
6 existing conditions of the area?

7 MR. PEREIRAS: The area or the house?

8 CHAIRPERSON GRULLON: The house.

9 MR. PEREIRAS: So right now, there's two
10 structures on the house now, there's a garage
11 structure and there's a single story frame house
12 there.

13 CHAIRPERSON GRULLON: Okay.

14 MR. PEREIRAS: It's actually very
15 awkward --

16 CHAIRPERSON GRULLON: It's a one car
17 garage?

18 MR. PEREIRAS: I believe so, yes.

19 CHAIRPERSON GRULLON: Is it one curb
20 cut?

21 MR. PEREIRAS: Yes, just one curb cut.

22 CHAIRPERSON GRULLON: Your proposed
23 application is going to have three curb cuts?

24 MR. PEREIRAS: It has three curb cuts,
25 but we're proposing six cars to be parked on the

1 site.

2 CHAIRPERSON GRULLON: Okay.

3 MR. MAROTTA: So whereas the one family
4 would only require two car parking, this one
5 requires six cars to be parked, correct?

6 MR. PEREIRAS: That is correct.

7 CHAIRPERSON GRULLON: Another question
8 that I have is you have two lots here and you're
9 proposing three structures. Do you have -- is
10 there a need to get subdivision of plats?

11 MR. MAROTTA: That's one question I
12 have.

13 MR. PEREIRAS: So this can be done in
14 different ways. We can create three lots, that's
15 not what we're doing here, we're not proposing a
16 subdivision. What we're proposing is three
17 primary structures on one lot. So we're merging
18 the two lots, the way it is now. And we're
19 proposing three primary structures so that we're
20 not creating new variances for lot size.

21 MR. MAROTTA: It is D1?

22 MS. PEREIRAS: Yes.

23 MR. MAROTTA: You definitely need a
24 planner. I do have some questions about the --
25 and really your planner would be addressing these

1 issues. You reference that there's two feet in
2 between each property --

3 MR. PEREIRAS: There's four feet between
4 houses actually. Not the two properties because
5 it's one total property.

6 MR. MAROTTA: But on both, you need
7 five, correct?

8 MR. PEREIRAS: No.

9 MR. MAROTTA: I'm just going to look at
10 the --

11 MR. PEREIRAS: So you're saying side
12 yard setbacks? Mr. Spatz's memorandum, actually I
13 want to address it with him. In the ordinance,
14 we're required two feet on one side -- actually
15 we're required three feet and five feet on both
16 sides. If you look at the primary -- the frontage
17 of this, it's on 18th Street. There is two feet
18 on one side and three feet on the other for a
19 total of five feet. So we're compliant with that.
20 I'm not sure how --

21 MR. MAROTTA: That's --

22 MR. PEREIRAS: -- how Mr. Spatz is
23 interpreting that.

24 MR. MAROTTA: I don't mean this in a
25 negative way, but that's disingenuous. I look at

1 how the meaning of the ordinance is to have
2 five feet in between each building. So Mr. Spatz
3 would probably have to address that or your
4 planner would have to address that.

5 MR. PEREIRAS: So there's nowhere in the
6 ordinance that says that there should be five feet
7 between buildings. Our ordinance actually
8 specifically says that between buildings, there
9 should be four feet and that's exactly what we
10 have.

11 MR. MAROTTA: And then I would want to
12 look at that. But the planner would be able to
13 address that.

14 MR. PEREIRAS: So the ordinance says
15 three feet on one side, two feet on the other,
16 meaning multiple properties can have two feet
17 equal side, which would be four feet. And then
18 the ordinance specifically has a line that says
19 four feet between structures. So we're compliant
20 with that.

21 MR. MAROTTA: Okay.

22 MR. PEREIRAS: Since we have to come
23 back anyway, I'd love to hear your concern. Maybe
24 there's something I could tweak that makes the
25 board feel better.

1 CHAIRPERSON GRULLON: We want to hear
2 testimony from the planner, but we want to hear
3 everyone's concerns, that way you can make any
4 adjustments. When you come back with your
5 planner, you have the suggestions already.

6 MS. PEREIRAS: We appreciate that, Mr.
7 Chairman.

8 CHAIRPERSON GRULLON: Any members has
9 any question, any members of the board? At this
10 time, I'm going to open it to the public. Any
11 member of the public want to step forward for this
12 application?

13 MR. VALLEJO: Anyone for 1801 Cliff
14 Street, please come forward.

15 MS. RINALDO: Patricia Rinaldo,
16 R-I-N-A-L-D-O at 336 Mountain Road. Couple
17 questions. Where is the entrance to the
18 buildings, on 18th or Cliff?

19 MR. PEREIRAS: So there's three houses.
20 The entrance for each of them is on 18th Street.

21 MS. RINALDO: That's what I got the
22 impression because the letter really was not
23 clear. How many square feet are going to be the
24 living space?

25 MR. PEREIRAS: The square footage of

1 each one, that's a great question. I'll tell you
2 right now.

3 MS. RINALDO: You're going to have cars
4 going in from 18th Street?

5 MR. PEREIRAS: 18th Street, yes. I'll
6 calculate it for you just to be 100 percent sure.

7 MS. RINALDO: Sorry.

8 MR. PEREIRAS: So each house is a little
9 bit under 1,500 square feet. So 1,500.

10 MS. RINALDO: Small.

11 MR. PEREIRAS: Let me just turn to the
12 floor plan, so you can see what it is. The second
13 floor is living space, kitchen, dining room,
14 living room. And then the floor above is the
15 three bedrooms, master in the back and then two
16 bedrooms for kids. So the master is 13 by 12, and
17 the kids bedrooms are 10 by 11.

18 MS. RINALDO: What are you doing for any
19 kind of work on Cliff? Cliff is the main street
20 there, not 18th?

21 MR. PEREIRAS: So.

22 MS. RINALDO: What address are you going
23 to use?

24 MR. PEREIRAS: 18th Street.

25 MS. RINALDO: You're changing the

1 address, okay.

2 MR. PEREIRAS: They each would have
3 their own address on 18th.

4 MS. RINALDO: I understand, I was just
5 curious, okay. But you're just not going to have
6 a wall there?

7 MR. PEREIRAS: No, it's actually pretty
8 beautiful, I think. I hope you think the same.

9 MS. RINALDO: Because Cliff is an
10 interesting street, so I hope this is not a wall.

11 MR. PEREIRAS: This is what Cliff Street
12 would look like, it's focusing more on 18th
13 Street. But this is Cliff Street.

14 MS. RINALDO: There's a fire hydrant
15 here somewhere.

16 MR. PEREIRAS: It's there, it's not
17 drawn.

18 MS. RINALDO: I think it's good bye to
19 the trees. Thank you.

20 CHAIRPERSON GRULLON: Any other members
21 of the public want to step forward for this
22 application? Hearing none --

23 MR. CUC: May I? Gaby Cuc, it's spelled
24 G-A-B-Y, last name C-U-C, 906 16th Street.

25 Just want to take a better look at, what

1 was it, page four, five?

2 MR. PEREIRAS: What do you want to know?

3 MR. CUC: To see how it's going to be --

4 CHAIRPERSON GRULLON: The rendering.

5 MR. PEREIRAS: The rendering. Garage,
6 living space, bedrooms.

7 MR. CUC: It's beautiful.

8 MR. PEREIRAS: Thank you.

9 MR. CUC: One of my children went to
10 Hudson School. So I think this will be a great
11 addition to the neighborhood and designed for one
12 single family or, you know, hopefully people with
13 children that will bring them to Union City. I
14 think it's a great project.

15 MR. PEREIRAS: Thank you very much.

16 MS. PEREIRAS: Thank you.

17 CHAIRPERSON GRULLON: Anybody else want
18 to step forward for this application? Okay,
19 hearing none, close to the public. Again, Ms.
20 Pereiras, we would like to hear testimony from a
21 planner, just to make sure that we cover the
22 school concerns, any other situation with parking
23 in the area.

24 MS. PEREIRAS: Of course. We're happy
25 to bring the planner in.

1 CHAIRPERSON GRULLON: And, again, we're
2 going to be asking for your client to waive the
3 statutory --

4 MS. PEREIRAS: Yes, of course. And this
5 is matter is being carried to the September 8th
6 meeting?

7 CHAIRPERSON GRULLON: Yes.

8 MR. VALLEJO: Can I have a motion?

9 CHAIRPERSON GRULLON: It's going to be
10 carried to September 8th. I make a motion.

11 MR. VALLEJO: Motion by Mr. Grullon to
12 carry this application for September 8, no new
13 notice required.

14 VICE CHAIRPERSON GUTIERREZ: Second.

15 MR. VALLEJO: Seconded by Ms. Gutierrez.
16 Roll call on the motion. Mr. Grullon.

17 CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 VICE CHAIRPERSON GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Garcia.

21 MR. GARCIA: Yes.

22 MR. VALLEJO: Mr. Ortiz.

23 MR. ORTIZ: Yes.

24 MR. VALLEJO: Ms. Pena.

25 MS. PENA: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Ms. Watley.

4 MS. WATLEY: Yes.

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

7 MS. PEREIRAS: Thank you.

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1 **EDWARD MEDINA -**

2 **728 SIP STREET:**

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4 MR. VALLEJO: We are moving now to
5 number three, Edward Medina, 728 Sip Street. Mr.
6 Paneque, I received an email from the applicant's
7 attorney requesting this application to be carried
8 to the next hearing, that will be September 8th,
9 new notice required.

10 MR. PANEQUE: New notice will be
11 required.

12 MR. VALLEJO: Yes.

13 MR. PANEQUE: Okay. Anyone who is here
14 on the application regarding 728 Sip Street, the
15 applicant is Edward Medina, the applicant's
16 attorney requested that the matter be carried to
17 the next meeting, which will be September 8th.
18 New notices will be sent out to all property
19 owners within the 200 foot radius. The matter
20 will not be heard tonight.

21 MR. VALLEJO: Thank you, Mr. Paneque.

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1 **JASEN BELLAMY -**

2 **816 21st STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Jasen Bellamy, 816 21st Street.

6 MR. PANEQUE: For the record, I've been
7 provided, by Mr. Lopez, with an affidavit of
8 service indicating that notice of tonight's
9 hearing with respect to the property at 816 21st
10 Street was provided to all property owners within
11 a 200 foot radius. Said notice was sent out on
12 June 30th.

13 I've also been provided with the copy of
14 the notice that went out indicating that notice of
15 the hearing is given with respect to the property
16 at 816 21st Street, the location for the hearing
17 is Union City High School, on the date of July 14,
18 2022.

19 I've also been provided with a copy of
20 the notice as well as an affidavit of publication
21 from The Jersey Journal, said notice was published
22 on June 21st. The notice does indicate that
23 tonight's hearing will be held at the Union City
24 High School with respect to the property at 816
25 21st Street.

1 I've also been provided with a copy of
2 the tax assessor's list of all property owners
3 within the 200 foot radius of 816 21st Street with
4 a date of May 24, 2022, as well as the certified
5 mail receipts with a postmark date of June 30,
6 2022.

7 Based on the documentation that has been
8 provided by Mr. Lopez, this board has jurisdiction
9 to proceed and hear this matter. Thank you, Mr.
10 Lopez.

11 MR. LOPEZ: Yes, good evening, Mr.
12 Chairman, counsel, members of the board. My name
13 IS Adolfo Lopez, I'm here on behalf of the
14 applicant, Jasen Bellamy, right here. Mr. Bellamy
15 is a member of the Union City Police Department
16 and he is proposing this project as his home. He
17 lives in Union City now, but is looking to make
18 this his home.

19 So, just a very basic introduction.
20 This is a property, which as you can see on the
21 top photograph and shown in your plans, it's a
22 very old warehouse, very small warehouse, really
23 has no use at its current location. It's
24 immediately next to that large building,
25 everything else is all residential, it's all one

1 and two-family homes. Unfortunately, on the
2 zoning, this particular lot falls within the
3 industrial section, which classifies all of
4 Kerrigan Avenue. So we're here because we need a
5 variance.

6 What is being proposed is obviously much
7 better for the neighborhood, it's exactly what the
8 neighborhood is today, but unfortunately, it's
9 classified, so that's the reason why we're here.
10 My architect is Mr. Pereiras, which I would call
11 this evening. Mr. Chairman, Mr. Pereiras has
12 testified many, many times, we would ask that you
13 accept him as an expert.

14 CHAIRMAN GRULLON: Yes.

15 MR. PEREIRAS: Manny Pereiras, I
16 recognize that I am still under oath.

17 MR. LOPEZ: May I?

18 MR. PANEQUE: Continue, please.

19 MR. LOPEZ: Thank you.

20 Mr. Pereiras, were you involved with the
21 preparation of these plans?

22 MR. PEREIRAS: Yes, I was.

23 MR. LOPEZ: Is it correct to say that
24 they were prepared in connection with tonight's
25 application?

1 MR. PEREIRAS: That is correct.

2 MR. LOPEZ: Before you prepared these,
3 did you visit the site and make an assessment of
4 the area?

5 MR. PEREIRAS: Both myself and my staff
6 visited the site to prepare drawings.

7 MR. LOPEZ: Okay. Can you please
8 describe what is currently on the property now and
9 what is proposed?

10 MR. PEREIRAS: I'd be very happy to.
11 We're dealing with a site that is oversized
12 compared to what we normally see in Union City.
13 We have a site that is 26 feet -- 26.65 feet wide
14 and 114.5 feet in length, in depth. As you can
15 see from the photograph that counsel pointed out,
16 we are snugged between two additional properties
17 that -- one a larger structure and a residential
18 two-family house in the other direction.

19 The existing structure is setback from
20 the street and it is a warehouse that is touching
21 the property line on both the west, the east, and
22 the north sides of the property.

23 MR. LOPEZ: And the current use, we know
24 it's been abandoned, but the current use is what?

25 MR. PEREIRAS: The building structure is

1 prepared to be a warehouse. And that is what is
2 on the records in Union City.

3 MR. LOPEZ: And what is being proposed?

4 MR. PEREIRAS: We're proposing to
5 adaptively reuse -- by using those words, I mean
6 we're going to take the existing structure and
7 we're salvaging it, a green tactic, and we're
8 adding to it in order to create it and convert it
9 into a two-family home.

10 MR. LOPEZ: Are there any -- other than
11 the use, are there any other active variances
12 here?

13 MR. PEREIRAS: There are a series of
14 preexisting nonconformities that we have to deal
15 with that we inherited with the property. The
16 first of which is minimum lot area. Even though
17 it's a lot larger than a typical Union City site,
18 due to the fact that we're in this district, the
19 minimum lot size is 5,000 square feet, whereas
20 we're at 3,003 square feet. So that's the first
21 existing nonconformity.

22 The second would be lot width, 50 would
23 be required for this particular district and we
24 are at 26.65. That's an existing nonconformity.

25 Our rear yard is also inherited. On the

1 ground floor, we're touching the property line in
2 the rear, whereas 25 feet would be required in
3 this zone. So that's another existing
4 nonconformity.

5 And the side yard, three feet would be
6 required on one side in this district and twelve
7 for both. And as I previously said, we're on the
8 property on both sides, so that's another
9 preexisting nonconformity.

10 The last preexisting nonconformity that
11 we inherited is lot coverage. We are -- actually
12 no, we're in conformance there. 100 percent is --
13 no, we're not. With indoor parking -- if all the
14 parking was satisfied within the building, it
15 would be 90 percent coverage permitted. We are
16 putting one car within the building, so not all
17 the parking is satisfied within the structure.
18 So, therefore, we are not compliant in that
19 aspect, we're at 98.4 percent, where 90 is
20 required. That's another existing nonconformity
21 that we're expanding on.

22 MR. LOPEZ: But just to clarify, these
23 nonconformities are really for a different type of
24 use, it would be for an industrial use, which is
25 not what we're proposing?

1 MR. PEREIRAS: Correct. And in theory,
2 because changing the use, those variances are
3 subsumed within this. They're just -- it's just a
4 function of the district that we're in.

5 MR. LOPEZ: And let's go into the
6 parking. Are we -- for what we are proposing, are
7 we seeking a parking variance?

8 MR. PEREIRAS: We are not seeking a
9 parking variance at all. We're required to have
10 four parking spaces as two-family house. We're
11 providing four parking spaces, one within the
12 structure and three outside of the structure on
13 the front yard. There are technical variances
14 there because they're in tandem, but that's
15 something we see everywhere in Union City,
16 practically almost every single lot.

17 MR. LOPEZ: And it's fair to say that
18 only one is tandem, the other two are fully
19 accessible?

20 MR. PEREIRAS: That is perfectly fair to
21 say.

22 MR. LOPEZ: Okay. Could you go over the
23 proposed drawings as to what the house would look
24 like on the inside, please.

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

1 I'm turning now to sheet Z02, these are the same
2 drawings that were submitted to the board. On the
3 left hand, you see the existing conditions; on the
4 right, the proposed. As you can see we have a
5 deep front yard setback, where we're providing
6 spaces for three vehicles there. And we're adding
7 some landscaping at the corner of the lot. So
8 we're beautifying the front of the property as
9 well.

10 And the next, you'll see a garage that
11 is a single car garage available immediately to
12 the right of the property. On the left hand side,
13 we have double doors with a nice foyer that lead
14 you up to stairs to go upstairs or to go to the
15 rear of the property, where the applicant -- it is
16 basically tandem with the unit above. There's a
17 bedroom, there's a fitness area, and a home
18 theatre area. As I mentioned before, the
19 applicant expects to live here. So we really
20 catered this design exactly for him and how he
21 plans to live and work on this house.

22 MR. LOPEZ: And, please, go ahead as to
23 the second floor.

24 MR. PEREIRAS: Sure. The second floor,
25 we have the living space. We have a large kitchen

1 along the front of the house, dining area, family
2 room, and home office along the back of it. And
3 then -- and then the bedroom along the back of the
4 property. And then the second unit would be on
5 the third floor. You come up the stairs, you
6 enter into the dining room, kitchen, living area.
7 And then you have a master bedroom along the front
8 of the house and a small den along the rear. And
9 then both of these -- that floor is setback from
10 the rear, so that we have a terrace along the rear
11 of that unit. So the second apartment on the
12 third floor is significantly smaller than the
13 apartment below and we're creating a setback there
14 on that top floor.

15 We also have balconies along the front
16 of both the second floor and the first floor. So
17 that we have like a walkout terrace on each of the
18 floors as well. And that could be a little better
19 illustrated in elevation or even in the rendering.
20 I'm turning now. So as you can see on the ground
21 floor, we have the garage on one side, the entry
22 to the two-family on the left, apartment number
23 one and apartment number two, each with a balcony
24 along the front of the house. And that fits well
25 within the neighborhood.

1 MR. LOPEZ: Can you go to your last page
2 of your site plan and explain to us what each of
3 the photographs shows, please?

4 MR. PEREIRAS: Be very happy to. The
5 large photograph has an overall satellite picture
6 of the property. The property is where I am
7 pointing to right here. As you can see, the
8 structure to the west of it is a large structure
9 that occupies the site that abuts the site all the
10 way to the rear of it. And then we have smaller
11 residential scale properties along the east side
12 of it.

13 The other photographs are basically
14 views down the street on the right, so that you
15 can see the scale of the houses there on that
16 neighborhood. And then finally the two
17 photographs in the bottom left hand corner are
18 directed at the site. And the photograph that I'm
19 pointing to right now, you can actually see the
20 structure from the front. That's the existing
21 ground floor structure of the building that we're
22 proposing.

23 MR. LOPEZ: And when you visited the
24 site, is it fair to say that the other homes in
25 the area that are depicted in your pictures are

1 one and two-family houses?

2 MR. PEREIRAS: That is correct, and
3 that's exactly what we're proposing here.

4 MR. LOPEZ: Okay. And is it also fair
5 to say that basically everything east of this
6 property is zoned for residential, is it not?

7 MR. PEREIRAS: That is fair to say, yes.

8 MR. LOPEZ: Okay. I have nothing else
9 of this witness.

10 CHAIRPERSON GRULLON: Mr. Pereiras, on
11 the front, could you point again to the property?
12 Which is the property?

13 MR. PEREIRAS: This is the property,
14 this is house here. It's also this property here.

15 CHAIRPERSON GRULLON: Okay.

16 MR. PEREIRAS: Not sure which picture
17 you want to see. It's also the space in this
18 photograph here.

19 MR. LOPEZ: And I actually have one more
20 thing which I forgot to ask you. We're not
21 seeking any additional curb cuts, is that correct,
22 it's already there?

23 MR. PEREIRAS: That is correct, it's a
24 preexisting curb cut. We're not taking any spaces
25 away from the neighborhood.

1 CHAIRPERSON GRULLON: The proposed
2 application is for two-family?

3 MR. PEREIRAS: Two-family house.

4 CHAIRPERSON GRULLON: Two-family house,
5 each of the families are one bedroom unit?

6 MR. PEREIRAS: Correct -- I'm sorry,
7 there's a two bedroom because the ground floor is
8 duplex with the one above. So there's two
9 bedrooms in one unit and one bedroom in the other.

10 MR. PANEQUE: Where's the second
11 bedroom, I don't see that?

12 MR. PEREIRAS: It is -- so I'm calling
13 it here a home office. It really can serve as a
14 bedroom.

15 CHAIRPERSON GRULLON: I was going to go
16 there.

17 MR. PEREIRAS: I consider that a
18 bedroom.

19 CHAIRPERSON GRULLON: Okay.

20 MR. LOPEZ: We're not trying to hide the
21 bedroom, that's how Jasen intends to use it for
22 the time being?

23 CHAIRPERSON GRULLON: It's going to be
24 an office/bedroom.

25 MR. PEREIRAS: Yeah.

1 CHAIRPERSON GRULLON: You're going to be
2 doing construction on the front portion of the
3 building, no? And I can see that you notice some
4 setbacks there, as you can see the first --

5 MR. PEREIRAS: Correct. We're
6 maintaining that setback. The front portion of
7 the building indents a little bit off of the site
8 and we're keeping that all the way up. We're not
9 changing that.

10 CHAIRPERSON GRULLON: That's existing?

11 MR. PEREIRAS: That's preexisting, yes.
12 We're keeping the footprint of the building
13 intact, we're not adding more to it. The only
14 area -- and I want to be clear about this -- as
15 you can see here, the existing building ends
16 there. Above on the second floor, it overhangs
17 out. So that entry way, all of this portion here
18 is a portion that we're adding to the front of the
19 building moving up. Everything else is intact.
20 The existing perimeter is intact, except for that
21 portion in the front, that is an addition.

22 MR. LOPEZ: That's on the second floor?

23 MR. PEREIRAS: That is the vestibule of
24 the first floor, where we have the columns,
25 because we don't want it floating. The garage is

1 meeting the ground. And then, yes, it continues
2 on the second and the third floor. And that
3 portion is the terrace that you have, in order to
4 create some more outdoor space.

5 CHAIRPERSON GRULLON: Okay. Any other
6 construction that you're going to be doing on the
7 outside of the building?

8 MR. PEREIRAS: Yes, absolutely. So
9 first and foremost, we're doing two floors of
10 additions on top of it. So these are two new
11 floors. And that is construction all along the
12 perimeter and the front as well. So it's taking a
13 complete facelift to it. And, yeah, the entire
14 perimeter is basically going to be revamped and
15 refurbished.

16 MR. LOPEZ: But you're maintaining the
17 current footprint of the house?

18 MR. PEREIRAS: Yes.

19 CHAIRPERSON GRULLON: You're proposing
20 to provide four parking spaces?

21 MR. PEREIRAS: Four parking spaces in
22 total, one within the garage, enclosed, and three
23 in front of the house.

24 CHAIRPERSON GRULLON: I don't have
25 anymore questions. Do you have any questions?

1 MR. GARCIA: Just to confirm, the
2 intention is to live at the property? Jasen?

3 MR. LOPEZ: Jasen, if you can come up
4 please and be sworn.

5
6 J A S E N B E L L A M Y , after having been duly
7 sworn or affirmed, did testify as follows:

8
9 MR. LOPEZ: You live in Union City now?

10 MR. BELLAMY: Yes.

11 MR. LOPEZ: And you work in Union City?

12 MR. BELLAMY: Yes.

13 MR. LOPEZ: What do you do for the City?

14 MR. BELLAMY: I'm a police officer.

15 MR. LOPEZ: Okay. How long have you
16 been a police officer?

17 MR. BELLAMY: 19 years.

18 MR. LOPEZ: And where do you live right
19 now, Jasen?

20 MR. BELLAMY: Across the street.

21 MR. LOPEZ: Okay. And you heard the
22 testimony of your architect, is that what you
23 intend to do?

24 MR. BELLAMY: Yes.

25 MR. LOPEZ: All right. Please, tell us

1 that this will be your home and explain to this
2 board --

3 MR. BELLAMY: I just need more room
4 because where I live right now is smaller, I have
5 two rooms. I want more space. I have a dog and I
6 just want to be able to more comfortable pretty
7 much.

8 MR. LOPEZ: And just to address
9 something that was brought up and again, just to
10 be clear, there's something that's currently
11 marked as an office?

12 MR. BELLAMY: Yes.

13 MR. LOPEZ: But there's obviously a
14 master bathroom, a walk-in closet, you intend this
15 to be a two bedroom house, correct?

16 MR. BELLAMY: Yes.

17 MR. LOPEZ: One on the ground floor and
18 one above?

19 MR. BELLAMY: Yes.

20 MR. LOPEZ: And that's how you intend to
21 use it for the time being, it may be a combination
22 of office and bedroom; is that correct?

23 MR. BELLAMY: Correct.

24 MR. LOPEZ: All right.

25 MR. GARCIA: I think I speak for

1 everyone on the board when I say that you're
2 exactly what we want in the community. And it's a
3 great design and thank you for your service.

4 MR. BELLAMY: You're welcome.

5 MR. LOPEZ: Thank you so much.

6 VICE CHAIRPERSON GUTIERREZ: Mr.
7 Pereiras, what is the size of the units?

8 MR. PEREIRAS: So both -- the top unit
9 is 1,400 square feet and the bottom unit is about
10 3,000 square feet.

11 VICE CHAIRPERSON GUTIERREZ: Thank you.

12 MR. LOPEZ: Including the garage?

13 MR. PEREIRAS: Not including the garage.

14 CHAIRPERSON GRULLON: These are pretty
15 big units.

16 VICE CHAIRPERSON GUTIERREZ: Thank you.

17 CHAIRPERSON GRULLON: I see you're
18 proposing to do a little landscaping for the
19 entrance of the building?

20 MR. PEREIRAS: That's correct. We
21 thought it was important to introduce landscaping
22 there. Currently, there's nothing. We're
23 providing two spots of landscaping.

24 CHAIRPERSON GRULLON: You know how the
25 City's sidewalks and all that?

1 MR. PEREIRAS: I do.

2 CHAIRPERSON GRULLON: I don't have any
3 other questions. Do you have any other?

4 MR. LOPEZ: I have no other witnesses.
5 I would ask the board to consider the testimony.

6 CHAIRPERSON GRULLON: At this time, I
7 want to open it to the public. Any member the
8 public would like to step forward? Please come
9 forward.

10 MS. GUEVARA: Hi, my name is Josefina
11 Guevara, G-U-E-V-A-R-A, 813 21st, Union City.

12 MR. LOPEZ: Show her the rendering.

13 MR. PEREIRAS: This is the existing and
14 this is the addition.

15 MS. GUEVARA: My question is you said
16 you're going to do four parking spaces on the
17 front, right?

18 MR. PEREIRAS: I'll show you exactly
19 where.

20 MS. GUEVARA: Because I don't see room
21 in there to do parking.

22 MR. PEREIRAS: So we're creating the
23 garage and there's a parking space there. And
24 there's three cars here, one inside.

25 MR. PANEQUE: One --

1 MR. PEREIRAS: They need to be able to
2 hear you.

3 MR. LOPEZ: Only if he's going to
4 testify.

5 MR. PANEQUE: We'll go off the record
6 now, so they can get an explanation.

7

8 (Discussion held off the record.)

9

10 MR. PANEQUE: Back on the record,
11 please. Now, you can say your comment.

12 MS. GUEVARA: No, I was worried about
13 the construction because of the parking spaces by
14 us, it's horrible. And that's the only problem we
15 have over there.

16 MR. PANEQUE: Yes. You live next to
17 that property?

18 MS. GUEVARA: No, up front, almost up
19 front.

20 MR. PANEQUE: So you're familiar with
21 what's there?

22 MS. GUEVARA: Yes.

23 MR. PANEQUE: Would you consider that to
24 be a site that you want to continue seeing there,
25 abandoned warehouse or would you prefer --

1 MS. GUEVARA: No, I have no problem with
2 the construction, just -- it will look beautiful
3 if they do something else.

4 MR. PANEQUE: The answer is you would
5 prefer to see something beautiful like this other
6 than what is there now?

7 MS. GUEVARA: Yeah, yeah, that's fine,
8 yes. Yes. The only worry was about the parking,
9 that's it.

10 MR. PANEQUE: Was the question about
11 parking answered?

12 MS. GUEVARA: Yes.

13 MR. PANEQUE: Okay, thank you.

14 MR. LOPEZ: Thank you.

15 VICE CHAIRPERSON GUTIERREZ: Thank you.

16 MR. HERNANDEZ:

17 MR. PANEQUE: State your name, sir?

18 MR. HERNANDEZ: Jose Hernandez. 814
19 21st Street.

20 MR. PANEQUE: Okay.

21 MR. HERNANDEZ: My question is the -- I
22 live the next house. My question is the house
23 separate?

24 MR. LOPEZ: If we can go --

25 MR. PANEQUE: Let's go off the record

1 again.

2

3 (Discussion held off the record.)

4

5 MR. PANEQUE: Let's go back on the
6 record.

7 MR. LOPEZ: Mr. Paneque, if we can recap
8 what his concern was, based upon what he discussed
9 in Spanish?

10 MR. PANEQUE: Mr. Hernandez had a
11 concern about the fact if the property was going
12 to be enlarged on the side, right, Mr. Hernandez?
13 And the answer was it's going to stay in the same
14 footprint, okay.

15 And if I could elaborate on that. Mr.
16 Pereiras, you mentioned in your opening statement,
17 green adaptive use, those words. Can you please
18 elaborate as to what are the benefits to using an
19 existing structure with respect to the impact it
20 would have on the environment if that structure
21 had to be demolished and what impact it would have
22 on the environment?

23 MR. PEREIRAS: Absolutely. In today's
24 world, we're very concerned with sustainability.
25 And the cost of demolishing a structure, both the

1 physical strain and carbon footprint we're
2 creating by mobilizing trucks and destroying it as
3 well as removing all the debris that a structure
4 contains and putting it in a landfill, that all is
5 avoided. In addition to that, we're not
6 disturbing additional soils, we're maintaining
7 that footprint, maintaining the existing
8 structure. So there's a huge environmental
9 benefit to that, we're reducing the impact on the
10 neighborhood because we're not opening them to
11 additional dust and the impact of that dust during
12 the demolition as well.

13 So it's a very green approach to
14 construction. It also, from an aesthetic
15 standpoint, salvages a piece of history. And this
16 building, even though it's a little unattractive
17 now, by salvaging it and revealing some of its
18 beauty by maintaining some older walls and older
19 brick portions, maintains and salvages that
20 history of Union City. And I think that's
21 important in the architecture we create moving
22 forward.

23 MR. PANEQUE: Thank you. Any other
24 members of the public? None.

25 CHAIRPERSON GRULLON: Hearing none,

1 close to the public.

2 Taking into consideration that this
3 application is going to be removing an industrial
4 use of an abandoned building and bringing life to
5 the neighborhood with a good structure that is
6 only two-family with three bedrooms, four parking
7 spaces, I make a motion to grant this application.

8 VICE CHAIRPERSON GUTIERREZ: I'll second
9 that.

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.

17 MR. VALLEJO: Mr. Garcia.

18 MR. GARCIA: Yes.

19 MR. VALLEJO: Mr. Ortiz.

20 MR. ORTIZ: Yes.

21 MR. VALLEJO: Ms. Pena.

22 MS. PENA: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Ms. Watley.

1 MS. WATLEY: Yes.

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

4 MR. LOPEZ: Thank you so much.

5 MR. VALLEJO: Thank you, Mr. Lopez.

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1 **BB 6TH HOLDINGS, LLC -**
2 **733-35 6TH STREET:**

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

7 MR. PANEQUE: I'm going to go off the
8 record a minute.

9
10 (Discussion held off the record.)

11
12 MR. VALLEJO: On the record. The floor
13 is yours.

14 MS. PEREIRAS: Thank you. Good evening,
15 counsel, chairman, members of the board. Again,
16 Bianca Pereiras on behalf of BB 6th Holdings, LLC.
17 I know you've seen us many times on this
18 application, my apologies. At the last time, we
19 presented all of our planning testimony, all of
20 our architect's testimony, and it was the
21 indication of this board that you would vote to
22 approve this application, as long as the applicant
23 agreed to register this property with rent
24 control. We have no objection to doing so. We're
25 happy to do so as long as we can rent the rates at

1 2,000 per unit. This can be a condition of
2 approval. And as soon as we are able to register
3 it, because at this point we cannot, we do not
4 have a CO, we have much construction to do. But
5 as soon as we're able to, we will also with the
6 rent control office as part of a condition of this
7 approval.

8 CHAIRPERSON GRULLON: Thank you, Ms.
9 Pereiras. Ms. Pereiras, could you have your
10 architect go over the renovations that you're
11 going to be doing to this property, that way we
12 all understand, you know, the investment?

13 MS. PEREIRAS: Of course.

14 CHAIRPERSON GRULLON: That you propose.

15 MS. PEREIRAS: I'll call Mr. Pereiras.

16 MR. PEREIRAS: Hello, board. I'm Manny
17 Pereiras and I recognize that I am still under
18 oath.

19 MS. PEREIRAS: Mr. Pereiras, you heard
20 the question posed by the chairman. The extent
21 and amount of work that needs to be put into this
22 building, could you describe that a little bit?

23 MR. PEREIRAS: I'd be very happy to. If
24 you were to visit the site right now and this is
25 6th Street, this is Paterson Plank Road, you would

1 see that in this area of the sidewalk, it's
2 completely occupied with scaffolding, just to hold
3 the building up. That's how bad of a condition it
4 is. It's a complete horrible eyesore to the
5 neighborhood. And if you look further down, there
6 was an addition done to the building probably 40
7 years ago. And that addition is also in kind of
8 disrepair, siding falling off. And the applicant
9 has been fixing things temporarily, but he hasn't
10 been able to get a full permit, pending this
11 approval, potentially.

12 So we're looking to completely rehab
13 this building. It will be basically reconstructed
14 from the inside out. And at the end of this
15 project, you're going to have a beautiful
16 building, that is, first and foremost,
17 structurally sound and hopefully aesthetically
18 pleasing as well, which is going to make a big
19 difference for this entire neighborhood. And
20 this, I would say, is a very critical spot in
21 Union City because it's kind of like the edge
22 going into Jersey City. So it's a very prominent,
23 very visible. The street is open because we have
24 Paterson Plank Road, 6th Street. So it's a highly
25 visible site and it's almost embarrassing that

1 it's been such an eyesore for so many years. I'm
2 very much looking forward to moving forward and
3 correcting this and making Union City a lot more
4 attractive by doing so.

5 CHAIRPERSON GRULLON: The proposed plan
6 is to demolish what's there now?

7 MR. PEREIRAS: So we're going to be
8 working with the building department, okay. It is
9 my professional opinion that there are portions of
10 this structure that have to be taken down to be
11 rebuilt, but we want to salvage a lot of the
12 beautiful brickwork and the elements that are
13 still important. So we're not going to demolish
14 the whole thing, but we're going to be demolishing
15 large portions throughout the building. And
16 basically from an interior standpoint, almost
17 completely gutting to recreate what we have here.

18 CHAIRPERSON GRULLON: Again, the
19 proposed materials that you're going to be using
20 for the outside?

21 MR. PEREIRAS: Sure. So there are
22 portions of this building that are brick and there
23 are portions that are siding. Let me go to the
24 facade. So everything that was part of original
25 building, we're restoring and bringing back to

1 brick. And then the portion along the rear that
2 was basically a wood frame that can't really
3 support brick, we're keeping that as siding.

4 CHAIRPERSON GRULLON: I don't have
5 anymore questions. Do you have any questions?
6 Any member of the board have any questions?

7 MR. GARCIA: Just confirm how it's being
8 divided up, like how many three bedroom apartments
9 there are?

10 MR. PEREIRAS: Right. So there are
11 three stories in this building. The stair for the
12 building is smack in the middle, so you have
13 apartments on each side of the stair. And the
14 east side has a two bedroom plus den with a large
15 living area. And the west side has a one bedroom
16 plus den with a large living area.

17 CHAIRPERSON GRULLON: What are the
18 square footage of the apartments?

19 MR. PEREIRAS: So the east side is
20 830 square feet, the west side is 514 square feet.
21 And the ground floor, it's a little bit different
22 on. The ground floor, it's 806 square feet and
23 600 square feet.

24 CHAIRPERSON GRULLON: And your proposed
25 application is for six apartments, six units?

1 MR. PEREIRAS: That is correct.

2 CHAIRPERSON GRULLON: I don't have
3 anymore questions.

4 MR. GARCIA: Just with respect to the
5 starting price, I think you had mentioned was
6 2,000?

7 MS. PEREIRAS: Correct.

8 MR. GARCIA: Would that be for the one
9 bedroom or for --

10 MS. PEREIRAS: That would be for all the
11 units.

12 MR. GARCIA: All the units would be at
13 \$2,000.

14 VICE CHAIRPERSON GUTIERREZ: Ms.
15 Pereiras, the owner is here?

16 MS. PEREIRAS: No, the owner's not here.

17 CHAIRPERSON GRULLON: What about safety?
18 Could you go over safety, improving safety
19 conditions of the building?

20 MR. PEREIRAS: Yes. This application
21 would significantly improve safety. First and
22 foremost, we're going to be complying with today's
23 building codes, not the building codes of the
24 building before because there's a change of use.
25 So we're complying with the International Building

1 Code 2018, which is very stringent code. We're
2 going to have fire barriers and fire separations
3 between each of the apartments and each of the
4 floors. The stair is going to have a fire
5 separation. We're going to have a fire
6 suppression system or sprinkler system throughout
7 this entire building. And, you know, it's an
8 amazing statistic. But I can say that even today,
9 there have been zero deaths in the United State in
10 a sprinklered building, due to fire. It's an
11 amazing statistic that really speaks for itself.
12 And this building will have a fully suppressed
13 fire suppression system.

14 CHAIRPERSON GRULLON: Thank you. Any
15 other members?

16 VICE CHAIRPERSON GUTIERREZ: Ms.
17 Pereiras, you can tell the owner thank you for
18 accepting for the rent control because there's a
19 lot of need in Union City with people looking for
20 apartments in lower price.

21 MS. PEREIRAS: Thank you for your
22 comment. And also thank you all for your patience
23 on this application.

24 CHAIRPERSON GRULLON: At this time, I
25 want to open to the public. Any member of the

1 public want to step forward in this application?
2 Hearing none, with the extra condition to bring it
3 to the rent control board and with the starting
4 price of 2,000, I make a motion to convert this
5 one commercial and two units to six residential
6 units. I make a motion to grant this application
7 from one to six units.

8 MR. VALLEJO: Motion on the table to
9 grant the application with the conditions by Mr.
10 Grullon.

11 VICE CHAIRPERSON GUTIERREZ: Second.

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

14 CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 MR. VALLEJO: Mr. Garcia.

18 MR. GARCIA: Yes.

19 MR. VALLEJO: Mr. Ortiz.

20 MR. ORTIZ: Yes, with all the stated
21 conditions.

22 MR. VALLEJO: Ms. Pena.

23 MS. PENA: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: I abstain, I wasn't here on
3 the first one.

4 MR. VALLEJO: She abstain. We have six
5 in favor, one abstention. Motion carries.

6 MS. PEREIRAS: Thank you all very, very
7 much. Thank you.

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1 **CHRISTINA BUI -**

2 **302 24TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, 302 24th Street, Christina Bui.
6 Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect
8 that I've been provided by Ms. Pereiras with a
9 certification as to publication and service,
10 indicating that notice of tonight's hearing at
11 this location was sent out to all property owners
12 within a 200 foot radius on July 1, 2022.

13 I've also been provided with a copy of
14 The Jersey Journal affidavit, noting that notice
15 of tonight's hearing with respect to 302 24th
16 Street was provided to all property owners by way
17 of publication on July 2, 2022.

18 I've also been provided with a copy of
19 the tax assessor's list noting all property owners
20 within a 200 foot radius of 302 24th Street dated
21 July 5, 2022, and it was promulgated by the tax
22 assessor's office in Union City.

23 I've also been provided with the
24 certified mail receipts with a stamp date of
25 July 1, 2022.

1 Based on the documentation that have
2 been provided, this board has jurisdiction to
3 proceed and hear this matter.

4 MS. PEREIRAS: Thank you very much,
5 counsel. Again, Bianca Pereiras on behalf of
6 applicant, Christina Bui for property located at
7 302 24th Street, also known as Lot 20 in Block
8 139. This property is located on 24th Street
9 between Palisade Avenue and New York Avenue in the
10 R low density zone. It's an older building with a
11 quite a bit of character. It has been around for
12 quite a while. The property records, or at least
13 according to the building department, at some
14 point, this was five residential units with one
15 commercial space or office space.

16 The ground floor was both office and
17 residential at some point in this property's
18 history. Later on, the office space was enlarged
19 where that residential unit was actually removed
20 from that first floor. The application before the
21 board this evening is to remove that office space
22 completely. It hasn't been used in many, many
23 years. So we're looking to convert that whole
24 entire ground floor to residential for a total of
25 five residential units in this building.

1 We have one expert to testify, that is
2 our architect, Mr. Sam Awad. Mr. Awad.

3

4 S A M A W A D, after having been duly sworn or
5 affirmed, did testify as follows:

6

7 MS. PEREIRAS: Mr. Awad, is this your
8 first time presenting here in Union City?

9 MR. AWAD: Yes.

10 MS. PEREIRAS: Would you kindly give
11 your qualifications to the board?

12 MR. AWAD: Well, I have around 40 years
13 of experience in architecture. I worked in many
14 offices, in all kind of construction. And now I'm
15 just getting my own business, Architecture, LLC,
16 and I have testified in many, many municipalities
17 and counties, Elizabeth, Newark, Plainfield, to
18 name a few.

19 CHAIRPERSON GRULLON: Thank you, thank
20 you. We accept your qualifications.

21 MS. PEREIRAS: Thank you very much.

22 Mr. Awad, are you familiar with the
23 property at 302 24th Street?

24 MR. AWAD: Yes, I am.

25 MS. PEREIRAS: And did you prepare the

1 drawings that are before the board this evening?

2 MR. AWAD: Yes.

3 MS. PEREIRAS: And would you kindly
4 describe the proposal for the board?

5 MR. AWAD: Yes. Basically, the building
6 is now consisting of four residential units on the
7 second floor and the third floor. And on the
8 first floor, ground floor, there is a doctor's
9 office. My client intends to turn that doctor's
10 office into a unit to bring it back to all
11 residential.

12 So basically we worked on the drawings
13 to make the first floor all residential. There's
14 no access to any commercial activity there. And
15 we see actually an advantage that we didn't touch
16 the building exterior, we kept the star, we kept
17 the character of the building. And we feel that
18 doing so, we going to actually alleviate a little
19 bit of the parking burden of the area, and also
20 the traffic that an office, a doctor's office
21 would generate in this area.

22 MS. PEREIRAS: And, Mr. Awad, would you
23 be so kind as to walk the board through the actual
24 layout of that ground floor apartment?

25 MR. AWAD: Sure, sure. Basically, the

1 building consists of a basement, first floor
2 second floor, and third floor. We're not touching
3 the basement, the basement is as is. Whatever it
4 was, the function stays the same. This was a
5 doctor's office and basically there was minor work
6 of layout to change it from what it was existing.
7 We kept the kitchen here. We have two bathrooms
8 and then we have two bedrooms, a dining room, and
9 a living room.

10 The only work actually we working as
11 construction besides the cosmetic inside, we are
12 adding a window for egress because this room
13 doesn't have an egress window. And for a bedroom
14 to be a bedroom, it needs an egress window. So we
15 are opening, in this area up to the alley, that
16 goes to the outside, we are putting a window that
17 is egress compliant.

18 The new space, residential spaces around
19 1,370 square feet. The other floors, each one of
20 them is around 14, I think 1,423, something like
21 that. And it's divided on two units on each
22 floor. So each unit is around 700 square feet
23 which consists of actually one bedroom apartment.

24 Besides that, we didn't really touch the
25 building. These are the picture of how it is now

1 in the street and that location. And basically we
2 kept it the same style, we didn't touch the
3 exterior at all.

4 So the nonconforming conditions that we
5 have there actually are the setbacks. We can't do
6 nothing about the existing condition,
7 nonconforming but existing. And the only thing we
8 need to -- asking for is legalization of the first
9 floor to turn it from whatever it is now to some
10 multi residential unit.

11 CHAIRPERSON GRULLON: Thank you. The
12 only construction that you're proposing on the
13 building is the first floor?

14 MR. AWAD: Only the first floor.

15 CHAIRPERSON GRULLON: Okay.

16 MR. AWAD: And, basically, we didn't
17 even change anything, you know, whoever use it as
18 a doctor's office kept almost the layout exactly
19 the same. We did minor, you know, putting new
20 kitchen, some cosmetic, some tiling, some
21 painting, stuff like that, nothing major.

22 CHAIRPERSON GRULLON: Okay. Because I
23 see on the first floor plan you have an existing
24 condition, but you also have label what they're
25 going to be?

1 MR. AWAD: Yeah, exactly.

2 CHAIRPERSON GRULLON: You're not doing
3 any demolition inside?

4 MR. AWAD: No, we're not doing any
5 demolition. The only demolition happening is
6 where we have to open for the window. Because
7 without that, we cannot have a bedroom. And for
8 1,400 square feet of space, 1,300 square feet, one
9 bedroom is really not enough.

10 CHAIRPERSON GRULLON: All right. I mean
11 all you're doing there is removing the commercial
12 space --

13 MR. AWAD: Exactly.

14 CHAIRPERSON GRULLON: -- and converting
15 to a unit?

16 MR. AWAD: Yeah.

17 CHAIRPERSON GRULLON: Okay.

18 MR. AWAD: Two bedroom unit, that's all.

19 CHAIRPERSON GRULLON: Okay. And that
20 area is mainly residential now?

21 MR. AWAD: Actually, the area is
22 residential and it's a one-family or two-family, I
23 think, the R zone. The building has five units in
24 it, which is something that existed for ages. And
25 there's nothing we can do about it. I cannot

1 remove a unit and say it doesn't exist or two
2 units doesn't exist. I need to keep it as a
3 minimum five units. We didn't try to turn into
4 six units, which we have the space if we want to.

5 CHAIRPERSON GRULLON: And the building
6 is registered as five units with the building
7 department?

8 MR. AWAD: Yes.

9 MS. PEREIRAS: It is.

10 CHAIRPERSON GRULLON: It's currently
11 listed as five unit. I don't have anymore
12 questions. Any other member of the board have any
13 questions for this application? No. Thank you,
14 Mr. Awad. Do you have any other witness?

15 MS. PEREIRAS: We do not.

16 CHAIRPERSON GRULLON: At this time, I
17 want to open it to the public. Any member of the
18 public here for this application? Hearing none.
19 Taking into consideration that this application is
20 to remove a nonconforming use commercial space
21 from the building and it's maintaining the five
22 legal units as per building department, I make a
23 motion to grant this application.

24 VICE CHAIRPERSON GUTIERREZ: Second.

25 MR. VALLEJO: Motion on the table to

1 grant the application by Mr. Grullon, seconded by
2 Ms. Gutierrez. Roll call on the motion to grant
3 this application. 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: Mr. Ortiz.

10 MR. ORTIZ: Yes.

11 MR. VALLEJO: Ms. Pena.

12 MS. PENA: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

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

19 MS. PEREIRAS: Thank you all very much.

20 MR. AWAD: Thank you.

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1 **JACQUES MINOYAN -**

2 **516 25TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Jacques Minoyan, 516 25th
6 Street. Ms. Pereiras, please, on Jacques Minoyan,
7 516 25th Street.

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

10 I've been provided, by Ms. Pereiras,
11 with a certification as to publication and service
12 indicating that notice of tonight's hearing with
13 respect to the property at 516 25th Street was
14 provided to all property owners within the 200
15 foot radius on July 1, 2022.

16 I've also been provided with a copy of
17 the legal affidavit from The Jersey Journal with a
18 date of July 2, 2022, giving notice of tonight's
19 hearing at this location, the Union City High
20 School, with respect to the property at 516 25th
21 Street.

22 I've also been provided with a copy of
23 the tax list that was provided by the Union City
24 tax assessor's office with a date of July 5, 2022,
25 noting all property owners within the 200 foot

1 radius of 516 25th Street, as well as the
2 certified mail slips with the postmark date of
3 July 1, 2022.

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

7 Ms. Pereiras, as a result of having a
8 conflict of time this evening, our chairman has to
9 leave, we're going to have to carry this matter to
10 the next available meeting. That would be the
11 September 8th meeting?

12 MR. VALLEJO: Yes, Mr. Paneque.

13 MR. PANEQUE: Chairman, is there a
14 motion on the floor?

15 CHAIRPERSON GRULLON: Yes. I make a
16 motion to carry it to the September 8th meeting.
17 I apologize, you know, just that I have a
18 commitment at 9:00.

19 MR. VALLEJO: Motion on the table to
20 adjourn this application for September 8.

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

23 MR. VALLEJO: By Mr. Grullon, seconded
24 by Ms. Gutierrez. No new notice required. Roll
25 call on the motion. Mr. Grullon.

1 CHAIRPERSON GRULLON: Yes.

2 MR. VALLEJO: Ms. Gutierrez.

3 VICE CHAIRPERSON GUTIERREZ: Yes.

4 MR. PANEQUE: Wait, before we take the
5 roll call. Ms. Pereiras, we're going to ask that
6 you waive the statutory requirement on the time
7 period?

8 MS. PEREIRAS: Yes. While we'd love to
9 present tonight, we understand that you have
10 another commitment and we'll defer to the board.
11 So we will grant that extension.

12 MR. PANEQUE: Thank you. Now, we can
13 take the roll call.

14 MR. VALLEJO: We have a motion on the
15 table to adjourn this application by Mr. Grullon,
16 seconded by Ms. Gutierrez, for September 8. Roll
17 call on the motion. Mr. Grullon.

18 CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 MR. GARCIA: Yes.

23 MR. VALLEJO: Mr. Ortiz.

24 MR. ORTIZ: Yes.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

6 MR. VALLEJO: Seven in favor, motion
7 carries. No new notice required.

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1 **314 37TH, LLC -**

2 **314 37TH STREET:**

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4 MR. VALLEJO: Now, we're going to number
5 nine --

6 MR. PANEQUE: We're going to go to ten
7 now.

8 MR. VALLEJO: All right. Let's go to
9 314 37th Street, LLC, 314 37th Street. Ms.
10 Pereiras.

11 MR. PANEQUE: Let the record reflect
12 that I have been provided, by Ms. Pereiras, with
13 the following documentation:

14 I have a certification as to publication
15 and service indicating that notice of tonight's
16 hearing with respect to the property at 314 37th
17 Street was sent to all property owners within 200
18 foot radius on July 1st, 2022.

19 I also have an affidavit from The Jersey
20 Journal indicating that notice of tonight's
21 hearing at this location, the Union City High
22 School, was also published on July 2nd, 2022.

23 I've also been provided with a list of
24 all property owners within the 200 foot radius of
25 the subject property with a date of July 5, 2022,

1 as well the certified mail receipts with postmark
2 date of July 1st, 2022.

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

6 Ms. Pereiras, again, we have a conflict
7 in that our chairman has to be somewhere else
8 tonight. And as such, we cannot proceed to hear
9 this matter. And this matter is going to be
10 carried to the September 8th meeting. Do you
11 waive the statutory time requirements?

12 MS. PEREIRAS: I do.

13 MR. PANEQUE: Mr. Chairman, is there a
14 motion?

15 CHAIRPERSON GRULLON: Motion to carry
16 this to September 8th.

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

19 MR. VALLEJO: Motion on the table to
20 carry this application for September 8 by Mr.
21 Grullon, seconded by Ms. Gutierrez. Roll call on
22 the motion. No new notice required. Mr. Grullon.

23 CHAIRPERSON GRULLON: Yes.

24 MR. VALLEJO: Ms. Gutierrez.

25 VICE CHAIRPERSON GUTIERREZ: Yes.

1 MR. VALLEJO: Mr. Garcia.

2 MR. GARCIA: Yes.

3 MR. VALLEJO: Mr. Ortiz.

4 MR. ORTIZ: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

9 MR. VALLEJO: Ms. Watley.

10 MS. WATLEY: Yes.

11 MR. VALLEJO: Seven in favor, motion
12 passes.

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1 **510 BERGENLINE AVE, LLC -**

2 **510-514 BERGENLINE AVENUE:**

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4 MR. VALLEJO: Now, we're going to --

5 MR. PANEQUE: Number nine.

6 MR. VALLEJO: 510 Bergenline Avenue,
7 LLC, 510-514 Bergenline Avenue. Ms. Pereiras,
8 please.

9 MS. PEREIRAS: Thank you very much, Mr.
10 Vallejo. This board may recall back in October,
11 we presented an application for 510 Bergenline
12 Avenue, for 510 through 514 Bergenline Avenue.
13 This board approved a subdivision, allowing the
14 applicant to build four two-family homes, that
15 resolution was memorialized in November.
16 Following that resolution it came to our
17 attention --

18 MR. PANEQUE: Ms. Pereiras, one second.
19 Mr. Vallejo, we should have made a public
20 announcement, I'm sorry to interrupt.

21 If anyone is here on application number
22 seven, 516 25th Street, as well as application
23 number ten for 314 37th Street, these two matters
24 are being carried to the September 8th meeting, no
25 further notice will be required. So, please, if

1 you're here on these applications, in favor or
2 against, we will meet again on September 8. Thank
3 you, I apologize.

4 MS. PEREIRAS: It's quite all right.

5 MR. PANEQUE: We had to put that on the
6 record.

7 MS. PEREIRAS: Of course.

8 So when we had this resolution
9 memorialized, there was -- we had checked title,
10 there was no issue on title. However, it came to
11 our attention after the fact that there was a
12 neighboring property that had an easement that
13 allowed him to travel through our client's
14 property to access his rear yard. This easement
15 had never been recorded, but it had been signed.
16 There was some litigation on that, that I was not
17 involved in.

18 However, it does not affect this
19 application, but I wanted to bring it to the
20 board's attention, so that we can get a resolution
21 that reflects that that easement does exist and
22 does not affect the proposal approved by this
23 board.

24 So for purposes of clarity today, we
25 have the drawings in front of us. And the

1 architect can really describe where that easement
2 is and how, if any, it affects our application.
3 Mr. Pereiras.

4 MR. PEREIRAS: So these are the same
5 drawings that were submitted to the board
6 previously. This is an existing driveway with an
7 existing curb cut on Bergenline Avenue. The
8 adjoining property is right here and he used this
9 drive to access his backyard.

10 Our buildings are setback eight feet
11 from that rear and there is concrete along the
12 back. And what we're proposing to do is simply
13 keep the curb cut, it's going to be become
14 smaller. And the individual to the house next to
15 it, to the south, is going to access his backyard
16 through that eight foot driveway.

17 So nothing changes as far as the
18 building, nothing changes as setbacks. The only
19 thing is that now that area is going to be shared
20 with the neighbor so he can access his backyard.

21 MR. PANEQUE: Mr. Pereiras, what was the
22 rear yard that was proposed for each of the homes?

23 MR. PEREIRAS: So it was proposed at
24 eight feet, we're keeping it at eight feet. It
25 was always concrete, paved. And so it's going to

1 still be the same way and simply used as a
2 driveway now to get to the back.

3 MR. PANEQUE: But if, in fact, it's
4 going to be used as a driveway, then it's no
5 longer --

6 MR. PEREIRAS: It's no longer a rear
7 yard.

8 MR. PANEQUE: -- a rear yard. And if
9 it's no longer a rear yard, then there is a need
10 for a variance because you're not providing a rear
11 yard.

12 MR. PEREIRAS: So a rear yard could be
13 paved, it still could be used by each of the
14 individual houses to play back there, hang out out
15 there. But it's simultaneously being used as a
16 driveway for a neighbor. Growing up, that was my
17 backyard, too, it was a driveway as well. And
18 that's how I lived.

19 MR. PANEQUE: You're preaching to the
20 choir. It's just that from a legal perspective,
21 the way these houses were proposed, they were each
22 going to have an eight foot rear yard. And part
23 of the presentation was this is open space for the
24 use for these homes. It's now coming to the
25 board's attention that -- for example, you can't

1 have a table back there, you can't have a
2 barbecue.

3 MR. PEREIRAS: You can't have it
4 permanently.

5 MR. PANEQUE: You can't have it
6 permanently. But if somebody is driving through
7 it, it does concrete a conflict.

8 MR. PEREIRAS: It does.

9 MR. PANEQUE: Okay. Is there any
10 proposal to deal with this conflict?

11 MR. PEREIRAS: So remember that this
12 proposal had a roof deck as well. So each of the
13 applicants has the ability to have open space on
14 the roof, it's part of this application. And
15 therefore, I think we're satisfying the open air
16 aspects of this residence by having that.

17 MR. PANEQUE: Okay. Each house will
18 have how many units?

19 MR. PEREIRAS: It's two-family, these
20 are all two families.

21 MR. PANEQUE: And both units have access
22 to the rooftop deck?

23 MR. PEREIRAS: Let me recall very
24 quickly. No. Only the top unit will have access
25 to the roof.

1 MR. PANEQUE: Okay. Any questions?

2 CHAIRPERSON GRULLON: That's the point,
3 that if it's going to be used as a driveway, it
4 cannot be used as a yard. It's either -- if you
5 change the use of it, it's going to create a right
6 and you may have to present the application again.

7 MR. PANEQUE: Does the driveway affect
8 all four houses or just --

9 MR. PEREIRAS: Three of the four.

10 MR. PANEQUE: The first three coming off
11 the street?

12 MR. PEREIRAS: Correct. The fourth
13 house will have an intact rear yard.

14 CHAIRPERSON GRULLON: The person using
15 that as a driveway, they have -- just say they
16 have a legal document to use that?

17 MS. PEREIRAS: They had an unrecorded
18 easement that when the clients purchased was not
19 part of title. We were never made aware of it.
20 We actually noticed this neighbor for the meeting
21 when we went forward. That neighbor made no
22 representations, did not contact us, was not here
23 at that meeting. And then a few months later,
24 came out of the brickwork and showed up with a
25 signed easement.

1 MR. PANEQUE: What is the present status
2 of that litigation, has this been settled?

3 MS. PEREIRAS: It is still pending.
4 We're hoping that this gets resolved because one
5 of the arguments was that we had come before this
6 board, we received approvals. And we didn't want
7 to jeopardize anything that we had already
8 achieved with this board.

9 MR. PANEQUE: So that matter is still
10 pending?

11 MS. PEREIRAS: It is.

12 MR. PEREIRAS: May I propose something
13 to the board? And this is just bringing back my
14 childhood. We had a driveway with a gate and
15 that's where we played in the backyard. And one
16 of the reasons I think it was safe is because we
17 had a gate. I think if we propose a gate along
18 this portion, I think it really creates the safety
19 that kids could be playing in there and have a
20 rear yard. And I think that satisfies the
21 simultaneous use of being a rear yard.

22 CHAIRPERSON GRULLON: How many cars are
23 using the easement?

24 MR. PEREIRAS: It's to the access of his
25 rear yard. So it's -- I don't see how those are

1 legal spots, he puts two cars back there.

2 CHAIRPERSON GRULLON: I don't see how we
3 can move on and approve something that's being
4 used as a rear yard and share that with a
5 driveway. That may be an issue if something
6 happened to a child playing in the backyard.

7 MR. PEREIRAS: And the gate won't
8 satisfy that?

9 CHAIRPERSON GRULLON: No, I don't see
10 that, you know. I would say to try to finalize
11 the litigation with them. And how big are the
12 buildings? Could you move up another eight feet?

13 MR. PEREIRAS: They're only 65 feet in
14 depth, so it would really significantly impair the
15 size of the apartments if we change it in any way.

16 MS. PEREZ: Is there parking anywhere
17 else?

18 MR. PEREIRAS: Inside the building.

19 VICE CHAIRPERSON GUTIERREZ: Only one
20 family can use the roof, the other one --

21 MR. PEREIRAS: The other one --

22 VICE CHAIRPERSON GUTIERREZ: Not going
23 to be fair to the other.

24 CHAIRPERSON GRULLON: You have parking
25 on the ground floor?

1 MR. PEREIRAS: The entire ground floor
2 is parking. So we have parking for four cars in
3 each of the two families. And we had a storage
4 room in the back of each of the families as well
5 as garbage containers in the back, accessed from
6 that driveway or that rear yard.

7 CHAIRPERSON GRULLON: I would say that
8 we should wait until they complete the litigation.

9 MR. PANEQUE: What stage is the
10 litigation?

11 MS. PEREIRAS: I'm not handling it,
12 there are other attorneys involved in this. They
13 did propose a settlement agreement, but again,
14 that depends on this what this board determines.

15 MR. PANEQUE: The concern of this
16 board -- I had an opportunity to discuss it -- is
17 really that what was proposed and approved by this
18 board incorporated each of those homes having a
19 rear yard. That means an access for that first
20 floor apartment to have their picnic table, their
21 barbecue, their basketball court, kids playing,
22 and each house has an eight foot -- it's not a
23 lot, but in the land of the blind, the one eyed
24 guys came. So an eight foot yard when you have no
25 yard at all means something. Now, it's being

1 taken away. Not only is it being taken away, but
2 as the chairman raised the concern, there's a
3 liability aspect to it because you're going to
4 have cars driving through a rear yard. If this
5 quote/unquote easement did not come up in a title
6 search, from a legal perspective, I don't know how
7 they can make it binding.

8 MS. PEREIRAS: I agree, but
9 unfortunately, it's gone further than I thought in
10 the opposite direction. And, you know, I feel
11 terrible for our applicant, who really came in
12 with a great project without having any knowledge
13 of that easement whatsoever. So we're in a tough
14 position.

15 MR. PANEQUE: I understand that. The
16 recommendation of the chairman is to let the
17 litigation take its course and end up wherever
18 it's going to end up. If the easement is upheld,
19 then we will have to revisit this. If the
20 easement is denied, then it's a moot point.

21 Now, if it takes -- if I may make a
22 suggestion, you know, if it takes another two
23 years for this litigation to resolve itself, which
24 the way the court system is now behind because of
25 COVID, it may. I'm sure that the board and this

1 chairman would see fit to grant any extensions
2 that would be necessary at that point.

3 But it's really concerning to let this
4 application go through as it was presented with
5 now this new wrinkle to it. Because the fact is
6 that you have an eight foot yard and any car
7 driving through it, especially we start driving
8 large SUVs and stuff will basically be squeezing
9 through that whole eight foot section. It
10 literally takes the space that -- I mean a legal
11 driveway or parking space is 9 by 18. So this is
12 even one foot less than a legal driveway.

13 MR. PEREIRAS: We understand. And we'll
14 wait for litigation. If the litigation comes back
15 that the easement is required, maybe we can modify
16 the plans so both units can have access to the
17 roof deck and we'll address it at that point.

18 CHAIRPERSON GRULLON: That could be an
19 option.

20 MR. PEREIRAS: But that would be
21 modifying the plan.

22 CHAIRPERSON GRULLON: Come back and show
23 you're going to have open air for the other
24 apartments, you know, access to the roof there,
25 that could be an option.

1 MR. PANEQUE: We would also like to
2 address if these first floor apartments have
3 access to that rear yard that would probably have
4 to be closed off because we don't want a child
5 coming out there and basically stepping right into
6 the right-of-way of a car driving by.

7 MR. PEREIRAS: We can introduce gates at
8 the side yards, that would make sense. We'll
9 cross that bridge when we get to it.

10 MR. PANEQUE: So the request at this
11 moment is being withdrawn?

12 MS. PEREIRAS: It is.

13 MR. PANEQUE: Thank you.

14 MS. PEREIRAS: Thank you. We appreciate
15 the time and the consideration.

16 MR. PANEQUE: Thank you.

17 MR. VALLEJO: No voting?

18 MR. PANEQUE: No vote, they're
19 withdrawing the application.

20 MR. VALLEJO: We have a resolution on
21 the withdrawing, too.

22 MR. PANEQUE: No, they're withdrawing
23 their request. So everything's staying status
24 quo.

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RESOLUTIONS:

(1.) 111 25th Street, LLC, 111 35th Street Block: 208 Lots; 44-45 & 46. Subdivision into 3 new lots. Construction of 3 new three family homes. The approval resolution was memorialized on 05-21-22. **The extension was approved until 12-30-2022.**

(2.) 547 36th ST UC Associates, LLC. 546-548 35th Street and 547 36th Street. New construction, 4 story multifamily structure with a total of 46 units, (9) 1 BR & (27) 2 BR. With 47 parking spaces, including EV charging stations for equivalent 8 spaces. Block: 213 Lots: 17, 18, 64, 65, 66, 67 & 68. **Approved.**

(3.) 418 JPM Properties, LLC 418 11th Street. Block: 52 Lot: 23 The applicant proposes addition and alteration to an existing structure to legalized a three (3) family home. **Approved.**

(4.) X. D. Yangs Family II, LLC, 2200 Bergenline Avenue Block: 124 Lot: 1 Convert an existing 2 story, brick building that formerly contained a bank, into a mixed use structure with commercial

1 space in the basement, commercial space and an
2 apartment on the ground floor and four units on
3 the second floor. **Approved.**

4
5 MR. VALLEJO: Let's move to resolutions
6 now. Members present at the previous meeting were
7 Mr. Grullon, Ms. Gutierrez, Mr. Garcia, Mr. Ortiz,
8 Ms. Pena, Ms. Perez was absent, and Ms. Watley was
9 present.

10 We have four resolutions on tonight's
11 agenda. Resolution number one, 111 35th Street,
12 LLC, that was approved at the previous meeting and
13 extension until December 30, 2022.

14 Resolution number two, 547 36th Street
15 was approved at the previous meeting.

16 Resolution number three, 418 JPM
17 Properties, LLC, 418 11th Street, was approved at
18 the previous meeting.

19 Resolution number four, X. D. Yangs
20 Family II, LLC, 2200 Bergenline Avenue was
21 approved at the previous meeting.

22 Can I have a motion to adopt these four
23 resolutions?

24 CHAIRPERSON GRULLON: Motion to adopt
25 the resolutions.

1 VICE CHAIRPERSON GUTIERREZ: Second it.

2 MR. VALLEJO: Motion by Mr. Grullon,
3 seconded by Ms. Gutierrez. Roll call on the
4 motion. Mr. Grullon.

5 CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Ms. Gutierrez.

7 VICE CHAIRPERSON GUTIERREZ: Yes.

8 MR. VALLEJO: Mr. Garcia.

9 MR. GARCIA: Yes.

10 MR. VALLEJO: Mr. Ortiz.

11 MR. ORTIZ: Yes.

12 MR. VALLEJO: Ms. Pena.

13 MS. PENA: Yes.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Yes.

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

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1 **ADJOURNMENT:**

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

6 MR. ORTIZ: Motion.

7 MR. VALLEJO: Motion by Mr. Ortiz.

8 MS. PENA: Second.

9 MR. VALLEJO: Seconded by Ms. Pena. All
10 in favor?

11 (All Board Members indicate in the
12 affirmative.)

13 MR. VALLEJO: The ayes have it. Let the
14 record indicate that the meeting has ended. Thank
15 you and good tonight, everyone.

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17 (Whereupon the matter was adjourned.)
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C E R T I F I C A T E

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

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700