

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, September 8, 2022
Commencing at 6:07 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 (ARRIVED AT 6:20)
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:

LIBERO MAROTTA
GEORGE GARCIA
RAYMOND CETINICH

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

TOMAS PANEQUE, ESQ.
Board Counsel

NEIL MAROTTA, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

SUSAN BISCHOFF, CCR, RPR
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Attorney for Applicant, GN Management, Inc.

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, JFK Realty, LLC

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Attorney for Applicant, 716 Capital, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Saturnino Guaman
& Cruz Gregoria

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, TJ Property
Realty, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Paneque, G
& C E Loven

J. ALVARO ALONSO, ESQ.
Attorney for Applicant, Edward Medina

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I N D E X

CHRISTOFF SCHLUENDER
1801-1803 Cliff Street

WITNESSPAGE

Manny Pereiras

16

Michael Kauker

24

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JACQUES MINOYAN
516 25th Street

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Manny Pereiras

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314 37TH, LLC
314 37th Street

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Manny Pereiras

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716 CAPITAL, LLC
716 29th Street

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SATURNINO GUAMAN & CRUZ GREGORIA
3401 Hudson Avenue

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Manny Pereiras

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TJ PROPERTY REALTY, LLC
507 32nd Street

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Jeremy Boyer

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PANEQUE, G & C E LOVEN
927 18th Street

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Manny Pereiras

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EDWARD MEDINA
728 Sip Street

WITNESSPAGE

Orestes Valella

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

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

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

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

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

21

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

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

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

CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Mr. Marotta is absent.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

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

Mr. Garcia is absent.

Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Mr. Cetinich is absent.

Ms. Watley.

MS. WATLEY: Here.

MR. VALLEJO: We have five members present. We have a quorum for tonight's meeting.

* * * *

ADOPTION OF MINUTES:

Regular meeting held on July 24, 2022

MR. VALLEJO: Approval of previous meeting minutes of July 24, 2022.

CHAIRPERSON GRULLON: Motion to approve.

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: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Five in favor, motion carries.

* * * *

1 **CHRISTOFF SCHLUENDER -**

2 **1801-1803 CLIFF STREET:**

3 **NEIL MAROTTA, ESQ. - ATTORNEY FOR THE BOARD**

4
5 MR. VALLEJO: Moving to hearings.

6 First hearing on tonight's agenda is
7 Christoff Schluender, 1801-1803 Cliff Street. Mr.
8 Marotta?

9 MR. PANEQUE: Mr. Vallejo, let the
10 record reflect that on the first three matters on
11 tonight's calendar, I will be recusing myself as
12 the attorney for the Board, as I have a conflict
13 of interest on the first three matters. And Mr.
14 Neil Marotta is going to substitute me out.

15 MR. VALLEJO: Thank you, Mr. Paneque.
16 Ms. Pereiras, please.

17 MS. PEREIRAS: Thank you very much, Mr.
18 Vallejo.

19 Good evening, Counsel, members of the
20 Board, may it please the Board, Bianca Pereiras on
21 behalf of the applicant. The Board may recall
22 that we began this presentation at the July
23 meeting, I'd like to confirm, maybe Mr. Vallejo
24 can assist me, were the members that are present
25 here tonight, were they here on the July 14th

1 meeting?

2 MR. VALLEJO: I am revising right now.
3 Mr. Grullon was present, Ms. Gutierrez was
4 present, Ms. Pena was present, Ms. Perez was
5 present, and Ms. Watley was present. Five members
6 were present at the previous meeting.

7 MS. PEREIRAS: Fantastic, thank you, Mr.
8 Vallejo. At that Board meeting, the Board heard
9 from our architect and the Board asked for
10 planning testimony. Would the Board like to hear
11 a brief recap of the architecture or would you
12 like to proceed with planning?

13 CHAIRPERSON GRULLON: Yes, I would like
14 for you just to recap.

15 MS. PEREIRAS: Absolutely. Mr.
16 Pereiras.

17
18 M A N N Y P E R E I R A S, after having been
19 duly sworn or affirmed, did testify as follows:

20
21 MR. PEREIRAS: Hello, Board members.
22 Manny Pereiras, P-E-R-E-I-R-A-S.

23 CHAIRPERSON GRULLON: We accept your
24 qualifications, Mr. Pereiras. And the reason that
25 we want a recap is because we have a lot of

1 members of the public that I would like you to
2 just go over what was presented at the previous
3 meeting.

4 MR. PEREIRAS: I'd be very happy to. We
5 have on the corner of Cliff Street and 18th
6 Street, a lot that is 50 wide by 75 foot deep. I
7 think a traditional approach to this site would be
8 to provide two-family houses along Cliff Street.
9 But since we have an undersized lot, we didn't
10 think that was appropriate. We wanted to scale
11 down our project and we wanted to be in
12 conformance with both the master plan and the
13 zoning ordinance as much as we could.

14 So rather than looking at this project
15 from Cliff Street, we decided to turn this around
16 and look at it from 18th street and provide three
17 one-family houses, so that we're creating a much
18 smaller scale. And we're creating three units
19 which is proportionally the same as we would do,
20 what we're losing as far as the depth of our lot.
21 And that's the project that we have before you
22 today.

23 Just to walk you briefly, briefly
24 through it, we're demolishing a single story house
25 that's there, plus a garage that's there. So

1 we're leaving the site free. We're creating a two
2 foot eight front yard setback in order to provide
3 landscaping at each of these three houses. We're
4 separating these houses in conformance with the
5 ordinance. There is four feet between each of the
6 structures, there's two feet on one side and
7 three feet on the other side. The side that's two
8 feet has adjacent patio area, so it doesn't impact
9 any of the adjacent buildings in that way. And
10 the three foot side is the Cliff Street, which
11 we're providing landscaping from one end to the
12 other, which really beautifies the area and makes
13 Cliff Street a lot more attractive. And then the
14 rear yard is ten feet, which really acts almost
15 like a side yard off Cliff Street, since it is a
16 corner property and we're creating those ten feet
17 rear yards.

18 We have three curb cuts that we're
19 proposing, one for each of the houses. And those
20 curb cuts provide parking for each of those
21 houses. So that we could fit two cars within each
22 of them, so that we're complying with the
23 ordinance as well. We have only mechanical
24 systems on that ground floor and the parking in
25 compliance with our ordinance.

1 And if you go to the second floor, we
2 have our living area, we have living room, dining
3 room, kitchen on that floor, and a small powder
4 room.

5 You go one floor up and you have the
6 bedrooms. And it's a simple three bedroom house,
7 you have the master bedroom along the rear with
8 its bathroom and walk-in closet and two bedrooms
9 for the children or other family members, plus a
10 common bathroom in the highway.

11 And then finally, the top floor is
12 simply a roof deck, we just have the bulkhead
13 coming out, which is very small. Our condenser is
14 up on the roof and the rest is open. We're
15 providing 44 inch guard rails all around for
16 complete safety for anyone that's on that roof.

17 And then our elevations are, as you can
18 see here, very simple. We prepared a rendering so
19 that you can see exactly what this is going to
20 look like as a finished product. I'm open for
21 your questions.

22 CHAIRPERSON GRULLON: Mr. Pereira,
23 could you go over the variance that you're
24 requesting for this application?

25 MR. PEREIRAS: Absolutely. Our planner

1 is going to go over in a lot more detail.
2 However, we have no variance for lot area, no
3 variance for use, we have no variance for lot
4 width. We do have a variance for lot depth,
5 that's something that we're stuck with, the
6 existing nonconformance there. We have a variance
7 for front -- well, I'll defer to Mr. Spatz. We
8 requested a variance for front yard, I actually
9 don't feel we need it. Because the prevailing
10 front yard setback along that block is zero and
11 we're providing two foot eight. In theory, we
12 should be matching the prevailing at zero. I
13 thought it was appropriate to step our house back
14 to two foot eight in order to add some
15 landscaping. And as a precautionary method, we're
16 asking for a variance there on front yard setback.

17 Rear yard, we're asking for a variance
18 there, 20 feet is required. Because of the
19 configuration of our site, we need that variance
20 we're at 10 feet. And then side yard, we're being
21 conservative in that issue, requesting a variance
22 there. I don't believe we need it, we have two
23 feet on one extreme, three feet on the other
24 extreme. So it should be compliance in both side
25 yards and both sides yards together.

1 And there are no other variances. We're
2 fully compliant with building height, we're fully
3 complaint in stories height, we're fully compliant
4 in building coverage, we're fully compliant in lot
5 coverage, and we're fully compliant in parking
6 standards.

7 CHAIRPERSON GRULLON: Mr. Pereiras, lot
8 coverage, how do you come up with that conclusion
9 that you are in compliance?

10 MR. PEREIRAS: So the lot coverage is
11 the calculation of pervious versus impervious
12 area. Previously, the site was 100 percent
13 impervious, it was -- it had two structures and
14 fully concrete. Our proposal has a great deal of
15 landscaping. If you see -- if you go to our site
16 plan, 10 feet times the entire length of the
17 property is landscaped, three feet versus -- by
18 another 50 feet is landscaped. And we have
19 additional landscaping along the front of each.
20 That brings our total of pervious or impervious
21 area to 75.3, whereas we're permitted to go up to
22 90 percent.

23 MR. MAROTTA: Mr. Pereiras, you said
24 you're providing a great amount, but isn't the
25 minimum rear yard 20 feet?

1 MR. PEREIRAS: Well, the Chairman just
2 asked me about lot coverage.

3 MR. MAROTTA: I know, but you said that
4 we're providing a tremendous amount of
5 landscaping.

6 MR. PEREIRAS: Yes.

7 MR. MAROTTA: Okay. So if the minimum
8 rear yard is 20 feet and you're providing
9 10 feet --

10 MR. PEREIRAS: So let me talk about --

11 MR. MAROTTA: I don't know if you want
12 to --

13 MR. PEREIRAS: So our ordinance requires
14 about 10 percent of pervious, that's the figure,
15 the exact figure for landscaping. We're providing
16 about 24.7 percent, that's significantly more than
17 what's required.

18 Now, in terms of rear yard setback,
19 that's a different story. Rear yard setback is
20 completely exclusive and independent from
21 impervious coverage. Our rear yard is at 10 feet,
22 whereas 20 feet is required. So we're at half and
23 that's a function of turning this building around
24 and using the depth and creating smaller scale
25 structures. I think it makes a lot of sense in

1 this situation.

2 The other reason why it makes a lot of
3 sense is because we're dealing with a corner. If
4 you have a corner structure and it has a 20 foot
5 rear yard, you're creating a gap between
6 buildings. When you turn on Cliff Street and
7 you're looking at this, we're reducing that to
8 about 10 feet which makes a lot of sense. It's
9 dealing it almost like a side yard setback. A lot
10 of ordinances in a lot of other municipalities
11 treat corner properties differently with rear
12 yards. They have a reduced rear yard when you're
13 at the corner. It's appropriate in many senses.
14 Union City doesn't have that. But we're at
15 10 feet, which I think is appropriate and makes a
16 lot of sense with the scale of buildings that we
17 have right here.

18 And our planner is going to justify
19 that, he's going to weigh the positive and
20 negative criteria and he's going to provide those
21 proofs on paper.

22 MR. MAROTTA: Yeah, I'm going to let
23 him --

24 MR. PEREIRAS: Yeah.

25 CHAIRPERSON GRULLON: Thank you, Mr.

1 Pereiras.

2 MS. PEREIRAS: Thank you, Mr. Pereiras.

3 I'd like to proceed with our planner,
4 Mr. Michael Kauker.

5

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

8

9 MR. KAUKER: Michael F. Kauker, for the
10 record, K-A-U-K-E-R. Our address is 356 Franklin
11 Avenue in Wyckoff, New Jersey. And I'm licensed
12 as a professional planner.

13 CHAIRPERSON GRULLON: We accept your
14 qualifications, Mr. Kauker, you've been before
15 this Board on many occasions. Welcome back.

16 MR. KAUKER: Thank you, Mr. Chairman.

17 MS. PEREIRAS: Mr. Kauker, are you
18 familiar with the property at 1801-1803 Cliff
19 Street?

20 MR. KAUKER: Yes, I am.

21 MS. PEREIRAS: And have you had an
22 opportunity to review the drawings prepared by
23 Pereiras Architects Ubiquitous?

24 MR. KAUKER: I have.

25 MS. PEREIRAS: And can you please

1 describe from a planning perspective the proposed
2 development?

3 MR. KAUKER: Firstly in prep for my
4 testimony, I reviewed certainly the plans, David
5 Spatz's recent report, the cornerstone of which is
6 that by virtue of the fact that we're asking to
7 build three one-family homes within the confines
8 of one lot, it's his view -- and I agree with
9 him -- that that rises to the level of a use
10 that's not permitted, three homes on one lot,
11 notwithstanding the fact that they are residential
12 in nature, wholly residential in nature, which --

13 MR. VALLEJO: Allow me one second,
14 please, sorry. Let the record indicate that Mr.
15 Ortiz joined the meeting, thank you, at 6:20.

16 MR. KAUKER: Board's well aware this
17 property is located in the R low density
18 residential zone. And it permits one-family
19 homes. There are four special reasons that I
20 would like to place before the Board in support of
21 this D1 use variance. Firstly, we are in fact
22 proposing a residential use, but we're, in that
23 extent, substantially consistent with the master
24 plan, including the 2018 master plan
25 re-examination plan.

1 Second, the property is an oversized
2 lot, it's one and a half times the minimum lot
3 area requirement of 2,500 feet. And in that
4 context, if we were to attempt to design and
5 construct a fully compliant, one single family
6 home on the property pursuant to the yard
7 requirements and the coverage allowance, that
8 whole lot would have a three story total area of
9 4,875 square feet. That would not be consistent
10 with the neighborhood development pattern which is
11 on effectively smaller lots. And it would kind of
12 stand out like a sore thumb.

13 The second special reason is that the
14 property is irregularly shaped by virtue of the
15 fact that our frontage along 18th Street that we
16 attempted to use as the main entrance for the
17 property is substantially longer than the depth.
18 A typical rectangular lot in the zone would have a
19 shorter front yard and/or frontage and a deeper
20 depth. That irregularity enables us to design, as
21 Manny has testified to, three entrances, each of
22 which are independent of one another, on each
23 of -- which enable the efficient and safe access
24 to two parking spaces, which essentially are
25 covered parking spaces. Comparing that to the

1 existing site, which essentially accommodates one
2 parking space on the property because of the
3 frontage, the extensive coverage of the one-story
4 building.

5 The fourth special reason in support of
6 this application is that we are consistent with
7 the requirements of the Medici case in terms of
8 being compatible with the master plan. The 2018
9 master plan re-examination document, in section D,
10 has recommended changes for the City's master plan
11 and land development ordinance, there are nine in
12 number. There are three which are particularly
13 applicable to this particular property to
14 encourage in-fill development and compact design,
15 which we have set before you, that efficiently
16 utilizes the City's land. Number four is to
17 promote and provide for housing opportunities that
18 support the needs of the residents, specifically
19 the demand for three bedroom dwelling units. And
20 obviously that is exactly what we are in fact
21 proposing in each of the three homes. The last
22 addition to that master plan that we subserve and
23 are compatible with is to provide housing options
24 for a variety of income levels, including low and
25 moderate income households. Obviously, this is

1 not a low and moderate income household, but could
2 be subject to fee regulations, subject to Union
3 City's current ordinances.

4 The amenities and benefits that are
5 produced as related to negative criteria in this
6 application are that the design is contemporary,
7 it would be an aesthetic and revitalizing effect
8 on this particular neighborhood. I think the
9 design is superior. Secondly, it has a rooftop
10 viewing element, which is safely enclosed,
11 recognizing, the fact that this particular
12 property is located in the southeast corner,
13 mid-corner of the City overlooking New York City
14 skyline. I think that's an important fact in the
15 design. We're essentially consistent with the
16 surrounding residential neighborhood in terms of
17 unit sizes and properties. And we would be a
18 positive beneficial fit within this neighborhood.

19 The several variances that have been
20 discussed pursuant to a recent case relative to D1
21 use variances can be subsumed within the framework
22 of the total D1 variance application. The ten
23 foot in the rear yard versus 20 feet provides
24 enough light, air and open space to enable the
25 building to be situated in this manner. The side

1 yard variances, to the extent that they are
2 modestly short of the required minimum, still
3 afford the property spacing between the
4 structures. The other variances relate to
5 existing dimensions on the property and they would
6 be viewed as existing nonconformities and not
7 viewed as a variance.

8 I believe that the application can be
9 considered positively by the Board without undue
10 impact on the general welfare and a negative
11 impact on the intent and purpose of the zone plan.
12 That concludes my testimony. I know you have a
13 very long agenda tonight and I thank you for your
14 patience.

15 CHAIRPERSON GRULLON: Thank you, Mr.
16 Kauker. Mr. Kauker, I have a question, you have
17 an opportunity to visit the area?

18 MR. KAUKER: Yes.

19 CHAIRPERSON GRULLON: How would you
20 describe the neighborhood there?

21 MR. KAUKER: I would view it as -- in
22 the immediate vicinity, although there are, in
23 view of a site, several very, very attractive
24 interposing high-rise structures, but the
25 immediate within one or two blocks of the site,

1 are thoroughly -- are substantially one-family
2 homes with a few two-family homes.

3 CHAIRPERSON GRULLON: And what do they
4 have on the west side and the north side of the
5 property?

6 MR. KAUKER: West side of the property
7 is an additional single family home that would be
8 on 18th Street. The other side are a row of
9 one-family homes located on very deep lots, but
10 very narrow lots. So in that context, the
11 residential structure would fit appropriately
12 within that framework.

13 CHAIRPERSON GRULLON: Did you notice
14 there is a school on that same block?

15 MR. KAUKER: I'm sorry?

16 CHAIRPERSON GRULLON: A school,
17 elementary school in that block?

18 MR. KAUKER: I must admit that I didn't
19 notice one, but there is probably one.

20 CHAIRPERSON GRULLON: It's like two
21 houses away.

22 MR. KAUKER: I know the reservoir is
23 like a couple blocks to the north.

24 CHAIRPERSON GRULLON: Mr. Spatz, could
25 you help me out here with the zoning data?

1 MR. SPATZ: Um-hum.

2 CHAIRPERSON GRULLON: That table, when
3 you go to permitted uses, one family is permitted?

4 MR. SPATZ: Yes, one family is
5 permitted.

6 CHAIRPERSON GRULLON: Are we going to
7 have one family or three families?

8 MR. SPATZ: There will be three families
9 on this particular lot. It's been designed as
10 three separate single family dwellings, but there
11 are three families on the one lot.

12 CHAIRPERSON GRULLON: Yeah, did you get
13 an opportunity to look at the zoning data?

14 MR. SPATZ: Yes.

15 CHAIRPERSON GRULLON: Can you please, I
16 want to go over it.

17 MR. SPATZ: Yeah, I will --

18 CHAIRPERSON GRULLON: The zoning data
19 referred to one-family building, one-family
20 residential?

21 MR. SPATZ: Right.

22 CHAIRPERSON GRULLON: But the way I see
23 the application, we have three families there.

24 MR. SPATZ: The board can look at it
25 that way. The variance technically would be to

1 have three principal uses on one lot, you're only
2 allowed one principal use on a lot. So since
3 these are three separate buildings, it would be
4 treated as three separate buildings on the lot,
5 that's the variance. But, yes, there are
6 three units on one single lot.

7 CHAIRPERSON GRULLON: And then --

8 MR. MAROTTA: Mr. Spatz, would the --
9 for a single family residence isn't the zoning 25
10 by 100?

11 MR. SPATZ: That's correct.

12 MR. MAROTTA: So if you have three, even
13 though we're calling it a principal use and not a
14 single family home, we're calling it a principal
15 use, but really it's a single family home wouldn't
16 it need -- wouldn't the criteria require 25 by 100
17 for each of those homes?

18 MR. SPATZ: We looked at it as the --
19 because it's a -- we treated it as a use variance.
20 So the area conformed in terms of what the
21 ordinance would permit, but the use itself does
22 not conform.

23 MR. MAROTTA: Exactly, but it also
24 doesn't conform for what is typical for a single
25 family residence?

1 MR. SPATZ: Right, I think that would be
2 something that would go into the Board's
3 consideration as opposed to it being an actual
4 variance. But that would be something that the
5 Board could consider in their decision, yes.

6 MS. PEREIRAS: And just to clarify, on a
7 25 by 100 lot, we would permitted to build a
8 two-family. In this case, we have an oversized
9 lot, where we don't have 2,500 square feet, we
10 have 3,750 and we're proposing three units.

11 CHAIRPERSON GRULLON: That's what I'm
12 trying to understand. If we have an oversized lot
13 or an undersized lot.

14 MS. PEREIRAS: We do have an oversized
15 lot.

16 MR. MAROTTA: You really have an
17 undersized lot --

18 MS. PEREIRAS: Correct. We just have
19 more square footage. So the square footage is
20 more than you typical square footage that's
21 required for a one- or two-family.

22 MR. MAROTTA: I think if you're looking
23 at a two-family home, that's fine, you want to do
24 that. You can put one two-family home there and
25 meet the requirements.

1 MS. PEREIRAS: Correct.

2 MR. MAROTTA: What we're trying to do
3 here is put three single-family homes on one lot,
4 that doesn't come -- it's less than -- actually
5 about 50 percent of the requirement --

6 MS. PEREIRAS: Right.

7 MR. MAROTTA: -- for three single family
8 homes.

9 MS. PEREIRAS: Correct.

10 MR. PEREIRAS: No.

11 MR. MAROTTA: I'm sorry, I'm sorry, I'm
12 sorry, you're not -- we didn't ask you a question
13 yet. Happy to call you back, Bianca can call you
14 back --

15 MS. PEREIRAS: I'll call him back in a
16 minute.

17 MR. MAROTTA: Mr. Kauker is here and
18 we'll get to that, okay. So the -- so anyway,
19 going back to Mr. Kauker, I do have a question.
20 When you looked at the other single families,
21 okay, did they have ten yard setback in the
22 backyard or did they have deeper backyards?

23 MR. KAUKER: They more likely have
24 somewhat deeper backyards.

25 MR. MAROTTA: So these because of the

1 size of the lot cannot accommodate --

2 MR. KAUKER: Because of the depth.

3 MR. MAROTTA: Yes.

4 MR. KAUKER: But because of the length
5 that's attached to the irregular shape, we're able
6 to achieve proper access and two parking spaces.

7 MR. MAROTTA: Mr. Kauker, I didn't ask
8 about the parking spaces or anything about that.
9 I'm sticking right to the backyard right now.

10 MR. KAUKER: That's correct.

11 MR. MAROTTA: So right now, if these
12 were single -- the other single-family homes on 25
13 by 100 lots have a full backyard, correct, for the
14 zone?

15 MR. KAUKER: I honestly cannot tell you
16 what the dimensions are for each and every one of
17 the other lots.

18 MR. MAROTTA: But you did go and you did
19 walk the site?

20 MR. KAUKER: I would assume that they're
21 substantially compliant.

22 MR. MAROTTA: Okay. So the -- what
23 would the backyard -- well, the backyard
24 requirement I think as set forth on the sheet is a
25 20 foot backyard, correct?

1 MR. KAUKER: Yes, sir.

2 MR. MAROTTA: Okay. For each of these
3 homes, it's half of that?

4 MR. KAUKER: That's correct.

5 MR. MAROTTA: Okay. Is that a
6 substantial impact on the zone on that lot?

7 MR. KAUKER: In light of the substantial
8 conformity with the other major aspects of this
9 application --

10 MR. MAROTTA: I'm just sticking with the
11 one, Mr. Kauker.

12 MR. KAUKER: In my view, it is
13 acceptable in terms of the design that's been
14 presented and not a substantial deviation.

15 MR. MAROTTA: So even if we went and
16 said it's a beautiful house, that would be enough
17 to forgive the fact that it's a much more
18 intensive use of that site?

19 MR. KAUKER: An aesthetically pleasing
20 design is what I described, not a beautiful house.

21 MR. MAROTTA: Either way, okay. So
22 we're still dealing with an intense -- much more
23 intensive use than the other properties on that
24 block?

25 MR. KAUKER: It is, if you want to view

1 it from a point of view of an added dimension to
2 the use variance, we do exceed the density, that's
3 correct.

4 MR. MAROTTA: Well, really isn't a 25 by
5 100 lot to be for one house?

6 MR. KAUKER: That's what the zone says.

7 MR. MAROTTA: Correct.

8 MR. KAUKER: That's why we're here.

9 MR. MAROTTA: Yeah, I know. I
10 understand, otherwise we wouldn't be having this
11 discussion.

12 MR. KAUKER: Yes.

13 MR. MAROTTA: So, okay. Are there
14 any -- now, I know you looked at the area. Are
15 there other lots where they have three single
16 family houses on one lot?

17 MR. KAUKER: I didn't see one.

18 MR. MAROTTA: So this is really not like
19 the neighborhood?

20 MR. KAUKER: Yes, it is. Because
21 visually and functionally, we are proposing three
22 one-family homes, number one, without being
23 surrounded by their own individual lot lines on
24 one lot. That is the only difference from a
25 separate single family home. And that separate

1 single family home is characteristic of the
2 neighborhood. And we're achieving the same
3 physical results.

4 MR. MAROTTA: Actually, the reason I beg
5 to differ is we don't have the same physical
6 result because even though it's a single family
7 home, it doesn't have the same setbacks as other
8 single family homes on a 25 by 100 lot.

9 MR. KAUKER: That is correct, that's why
10 we have the variances.

11 MR. MAROTTA: Yeah, but it's even -- but
12 we're talking about a substantial impact on the
13 ordinance. Here, you have a 25 by 100
14 requirement, you're actually cutting that in half.

15 MR. KAUKER: That's correct.

16 MR. MAROTTA: Okay. So, again, is that
17 a substantial impact?

18 MR. KAUKER: As it relates to that
19 aspect of the variance, yes. But not as it
20 relates to the major identity and substance of
21 this application.

22 MR. MAROTTA: Do you -- is it your
23 opinion that a ten foot backyard is sufficient --

24 MR. KAUKER: Yes.

25 MR. MAROTTA: -- for a residence?

1 MR. KAUKER: Yes, it is.

2 MR. MAROTTA: Is it sufficient to have a
3 barbecue and to put out a picnic table and to have
4 some grass and some plantings around it?

5 MR. KAUKER: Yes, it is.

6 MR. MAROTTA: You can really fit that?

7 MR. KAUKER: Yes.

8 MR. MAROTTA: Okay. Did you see that in
9 that neighborhood?

10 MR. KAUKER: I didn't go into the
11 backyards of each and every house.

12 MR. MAROTTA: Okay.

13 CHAIRPERSON GRULLON: Thank you, Mr.
14 Kauker. If we have more questions, we'll call you
15 back.

16 I'd like to hear from Mr. Pereiras. I'm
17 still a little confused with the three lots
18 requirement of 2,500 and existing conditions
19 because the 3,750, when my calculation shows
20 7,500.

21 MR. PEREIRAS: Thank you, Mr. Chairman.
22 I would be very happy to get this opportunity to
23 clear things up and set a few things on the
24 record.

25 MR. MAROTTA: Manny, I have a procedural

1 issue.

2 MR. PEREIRAS: There were statements
3 that counsel made and I believe I have --

4 MR. MAROTTA: A response?

5 MR. PEREIRAS: A response to those --
6 because the public might respond to your comments
7 and there were a few misleading ones and not to --
8 with all due respect, I'd like to clarify that
9 before the public -- before it's open to the
10 public.

11 MR. MAROTTA: The only thing I had
12 mentioned to the Chair, I'm subbing in and I have
13 an another meeting at 7:00. That meeting will be
14 a half hour, so I'm going to take care of that
15 meeting and then I'm going to come right back. So
16 I'm going to ask that this be carried until 7:30,
17 maybe quarter to eight. I know there are other
18 matters that can be addressed, okay. So I
19 apologize for that, I just --

20 MR. PEREIRAS: No apologies necessary.

21 MR. MAROTTA: It's a previous
22 obligation. Is that okay?

23 CHAIRPERSON GRULLON: That's fine.
24 We're going take a recess on this application and
25 come back at 8:00.

1 MR. VALLEJO: We will call you later on.

2 MS. PEREIRAS: That's fine. I'm here
3 all night.

4 MR. VALLEJO: Let's -- he's coming back,
5 okay.

6 MR. PANEQUE: Let's go to number 4.

7 MR. VALLEJO: All right, number 4.

8 MR. PANEQUE: Mr. Vallejo, the public
9 should be notified that this is going to continue
10 around 8:00.

11 CHAIRPERSON GRULLON: If there's anyone
12 here for this application, 1801-1803 Cliff Street,
13 we're going to continue this application at 8:00
14 because the counsel another meeting to attend, but
15 he's coming back in half hour.

16 MR. PANEQUE: And that goes for number 2
17 and number 3.

18 CHAIRPERSON GRULLON: That goes for
19 number 2, Paneque, G C Loven 927 and Edward Medina
20 728 Sip Street.

21 (The application will be continued later
22 in the meeting.)

23 * * * *

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1 **JACQUES MINOYAN -**

2 **516 25th Street:**

3

4 MR. PANEQUE: Number 4.

5 MR. VALLEJO: All right. We're going to
6 move to number 4, Jacques Minoyan, 516 25th
7 Street. Ms. Pereiras, please.

8 MS. PEREIRAS: Bear with me just one
9 moment. Good evening, Counsel, members of the
10 Board, Bianca Pereiras on behalf of the applicant
11 for 516 25th Street, also known as Lot 28 in Block
12 142. We previously submitted our jurisdictional
13 submissions back in July and jurisdiction was
14 taken. However, the matter was carried and no
15 testimony was presented that evening.

16 The application before the Board this
17 evening is to legalize one unit, so that we're
18 going from a one-family to a two-family. We have
19 one expert to testify this evening and that is our
20 architect, Mr. Manuel Pereiras.

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

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with the property at 516 25th Street?

25 MR. PEREIRAS: I am.

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

3 MR. PEREIRAS: I have.

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

6 MR. PEREIRAS: I'd be very happy to. I
7 think the entire neighborhood, the immediate
8 neighborhood here on 25th Street, has been
9 desperate for something to happen with this
10 property. Our client purchased it not too long
11 ago, immediately did a lot of emergency kind of
12 repairs to patch it up and clean it. It's a
13 disastrous property and we're here before this
14 Board as one of the first steps to really clean it
15 up.

16 There were a series of illegal tenancies
17 in this property. I think there was like five or
18 six families in there at one point. We're
19 cleaning this up, demolishing a great portion of
20 it. And what we're proposing before this Board is
21 simply a two-family house, it was legally a
22 one-family. It is a massive structure, it
23 occupies almost the entire lot and I'll describe
24 it in a little more detail. We're simply seeking
25 to create a two-family house.

1 To speak about the site a little bit, we
2 have a typical lot of 25 wide by 100 deep. As you
3 can see, this existing structure is on the front
4 yard setback, it's on the right yard setback and
5 it is about 1.64 off the left side setback. The
6 rear yard has about eight feet rear yard -- hold
7 on one second, let me be clear -- it has eight
8 feet two inch rear yard. These are all existing
9 conditions. We're not looking to change this in
10 any way. We're just looking to repair this
11 existing structure.

12 Of course, because of those dimensions,
13 we have preexisting nonconformities for front
14 yard, for rear yard, for side yard, for maximum
15 lot coverage, maximum building coverage, and of
16 course for parking as well. I'm turning now to
17 sheet Z02. Sheet Z02 is an enlarged site plan
18 that you can really understand kind of the volume
19 of this building because it's very odd, it's had
20 multiple additions throughout many years.

21 It goes from a single story garage to a
22 two-story porch, to a three-story portion, another
23 three-story addition that's at a slightly
24 different height, a two-story portion in the back,
25 and two-story portion in the complete rear. None

1 of that is changing, we're maintaining that
2 configuration.

3 As you can see from the existing floor
4 plans, there were illegal apartments everywhere
5 throughout this building. Everything that you see
6 as a dashed line is being demolished and removed,
7 that is the majority of the interior of this
8 building except for structural components.

9 And then finally we have our proposed
10 site plan. We have -- on the ground floor, we
11 have parking for two cars. We're breaking open
12 the illegal apartment that was there so that we
13 can provide parking for two cars in that existing
14 garage. We're creating a division from that
15 garage to the rest of the structure. This is a
16 wood frame area, so we couldn't have more cars
17 inside of it. But we're providing a mechanical
18 room and storage for the building there on that
19 ground floor.

20 On the second floor, which is accessed
21 through the porch, we are enclosing that porch
22 with proper walls and windows. As of right now,
23 it is a hodgepodge of different materials on
24 there. We're removing all of that and enclosing
25 that front porch and creating an entry to the

1 first -- the second floor, which is our first
2 apartment from that porch area. So you walk in to
3 the enclosed porch and you walk into a living
4 room. We're creating an open living room, dining
5 room, kitchen floor plan, and then the bedrooms
6 along the back. There are different levels on
7 this same floor. So you have one bedroom at the
8 same level as the living room and dining room, you
9 take a few steps back and then you have two
10 supporting bedrooms in the back with their own
11 closets and this has two bathrooms, both accessed
12 from the hallway.

13 And then on the third floor, which is
14 the same stairwell that leads you to the porch and
15 then you enter into the building and take a new
16 stair going up, we're reconstructing that stair
17 because it's in really poor condition. You have
18 the dining room, kitchen, living room and two
19 bedrooms, one along the front of the house and one
20 along the rear of the house.

21 From a facade standpoint, we're
22 basically cleaning up what's there, providing new
23 siding, cleaning up the materials, providing
24 stucco and the masonry garage that's in really bad
25 shape, and just repairing this house so it looks

1 attractive and fits into the neighborhood better.

2 That concludes my testimony. I hope the
3 Board favors this project. I think the neighbors,
4 the City, everyone is anxious to get started and
5 clean up this mess.

6 CHAIRPERSON GRULLON: Mr. Pereiras, on
7 the ground floor, you say you have a mechanical
8 room and the stair going up. And then you're
9 going to have an open space, completely open space
10 on the ground floor?

11 MR. PEREIRAS: Yeah. And the reason --

12 CHAIRPERSON GRULLON: Any opportunity to
13 create parking?

14 MR. PEREIRAS: So no. So,
15 unfortunately, this is a very weird structure.
16 First and foremost, the ceiling height is very
17 low. And the floor is all wood framing,
18 preexisting wood timbers, so I can't put a car n
19 top of that. And to demolish that and recreate
20 this is a hardship that we can't ask this owner to
21 do because it would be practically tearing down
22 the house and rebuilding it.

23 So there's really no opportunity to do
24 anything there. It's not suitable for -- to
25 increase the size of that first apartment and have

1 additional space below. It's not suitable for
2 parking. We really have nothing other than
3 storage that would suitable for that area.

4 CHAIRPERSON GRULLON: You say there were
5 illegal apartments there, were they used as
6 illegal apartments in the ground floor?

7 MR. PEREIRAS: Yes. There were illegal
8 apartments in the ground floor.

9 CHAIRPERSON GRULLON: That's one of my
10 concerns, that it might become illegal apartments.

11 MR. PEREIRAS: This landlord is a -- has
12 a great reputation with the City. He has many
13 buildings and he keeps on a very tight ship on all
14 of his buildings. And you've seen it before this
15 Board as well many times. That area is not
16 suitable for apartments and there's no way he
17 would have apartments there.

18 CHAIRPERSON GRULLON: I know the area
19 is -- the parking is pretty bad over there and
20 like -- actually you mentioned that they have five
21 illegal apartments, and you're proposing to have
22 two apartments. But, again, this property was
23 only legal for one unit?

24 MR. PEREIRAS: Yes, yes. And it is
25 permitted in the zone to have a two-family house.

1 We comply with all the requirements of lot size.

2 CHAIRPERSON GRULLON: Any chance of
3 moving the stairs, relocating the stairs just to
4 get cars inside that area?

5 MR. PEREIRAS: It's not a factor of
6 relocating the stairs. Because even if the stairs
7 were here, we could rotate around it. It's just
8 structurally how are we going to support this. We
9 could -- if this is a critical thing for the
10 Board -- is the client here?

11 MS. PEREIRAS: He is.

12 MR. PEREIRAS: If you allow me a five
13 minute recess, I'll explain to him the cost impact
14 of doing that. And if he's willing to do so, I'd
15 like to present that to you.

16 CHAIRPERSON GRULLON: Now that you're
17 doing this right, I would like to see if we can
18 get the opportunity and add at least one more
19 parking space, if it's doable.

20 MR. PEREIRAS: So if I move this
21 mechanical room, push it back, provide another
22 parking space here, I think that would make sense.
23 If you give me five minutes, side bar I'd
24 appreciate that.

25 CHAIRPERSON GRULLON: That's something I

1 would like to know before we make a decision.

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

3 MR. VALLEJO: Five minute break off the
4 record. Thank you.

5

6 (Whereupon a short recess was taken.)

7

8 MR. VALLEJO: May I have your attention,
9 please, back on the record.

10 CHAIRPERSON GRULLON: Mr. Pereiras, Ms.
11 Pereiras, did you have the opportunity to discuss
12 with your client at the request of the Board?

13 MR. PEREIRAS: Like I said, our client
14 is part of the neighborhood, a fabric of this
15 neighborhood. He understands how important and
16 how critical parking is. So he actually liked the
17 idea, he's willing to spend the money to make this
18 happen. The only thing that he would request of
19 this Board and if it could be part of the
20 resolution because the building department is very
21 particular with certain things, that area is only
22 six foot six height. And we're going to leave it
23 at six foot six height, there's not much we can do
24 there. So as long as we understand it's parking
25 only, it's for one car, and it's going to be six

1 foot six height area, we're very happy to comply
2 with it.

3 CHAIRPERSON GRULLON: We can make that
4 part of the resolution, if this is approved.

5 MR. PANEQUE: That could be included in
6 the resolution. However, the building department
7 may have certain codes that need to be met for a
8 parking -- to be used as a parking spot.

9 MR. PEREIRAS: Technically, it's an
10 uninhabited area, it doesn't need to have anything
11 other than clearance of the car. But our building
12 inspector is very cautious with zoning. And if
13 that could be included, I'd appreciate it.

14 CHAIRPERSON GRULLON: Thank you. I
15 don't have any questions. Any members of the
16 Board have any questions? Ms. Pereiras, do you
17 have another witness?

18 MS. PEREIRAS: We do not, that would
19 conclude our presentation.

20 CHAIRPERSON GRULLON: Okay. Hearing
21 none from the Board members, at this time, I want
22 to open to the public. Any member of the public
23 want to step forward on this application? Hearing
24 none, close to the public.

25 Taking in consideration that the

1 applicant is proposing to enhance the design by
2 putting a -- renovating the building -- one more
3 question, Mr. Pereiras. Are we doing anything
4 with the facade of the building?

5 MR. PEREIRAS: Yes. So that hodgepodge
6 porch is going to be enclosed properly with
7 windows and frame, beautiful framing. There's new
8 siding across the entire front and the garage
9 portion which is made out of masonry is going to
10 get a new stucco coat throughout the whole thing
11 and a new garage door as well.

12 CHAIRPERSON GRULLON: Okay. Thank you.
13 Taking into consideration that he's going to
14 improve the building and it's going to be safer
15 for the residents, I make a motion to grant the
16 application with the condition to revise the plans
17 to have three parking spaces.

18 MR. VALLEJO: Motion on the table to
19 approve the application with the conditions and
20 revised plans required.

21 VICE CHAIRPERSON GUTIERREZ: Second.

22 MR. VALLEJO: Motion by Mr. Grullon,
23 seconded by Ms. Gutierrez. Roll call on the
24 motion. Mr. Grullon.

25 CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 VICE CHAIRPERSON GUTIERREZ: Yes, with
3 all the condition.

4 MR. VALLEJO: Mr. Ortiz.

5 MR. ORTIZ: Yes.

6 MR. VALLEJO: Ms. Pena.

7 MS. PENA: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Ms. Watley.

11 MS. WATLEY: Yes.

12 MR. VALLEJO: Six in favor, motion
13 carries. Just remember before we -- for next
14 meeting, at least ten days before the next
15 meeting, we need the revised plans.

16 MS. PEREIRAS: Thank you all very much.

17 CHAIRPERSON GRULLON: Just want to add
18 to the record that we are approving this
19 application to go from one unit to two units.
20 Thank you.

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1 **GN MANAGEMENT, INC -**

2 **704 Palisade Avenue:**

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4 MR. VALLEJO: We're moving to number 5
5 on the list, GN Management, LLC, 704 Palisade
6 Avenue. Mr. Chairman, we received an email from
7 Ms. Pereiras' office today at 2:40 p.m.,
8 requesting to withdraw the application.

9 MR. PANEQUE: Let the record reflect
10 that an email was received today from the office
11 of Ms. Pereiras, approximately 2:40 p.m., to Mr.
12 Carlos Vallejo, indicating that the applicant is
13 requesting that the above application, 704
14 Palisade Avenue, be withdrawn from today's Board
15 meeting. Signed by Deanna Rodriguez, secretary to
16 the law office of Bianca Pereiras.

17 Ms. Pereiras, are you withdrawing your
18 application in full or are you going to adjourn it
19 to --

20 MS. PEREIRAS: We are withdrawing the
21 application.

22 MR. PANEQUE: Okay.

23 CHAIRPERSON GRULLON: We have to make
24 the appropriate motion at this time. I make a
25 motion to accept the request to withdraw the

1 application.

2 MR. VALLEJO: Motion by Mr. Grullon
3 accepting the withdrawal of the application.

4 VICE CHAIRPERSON GUTIERREZ: Second.

5 MR. VALLEJO: Seconded by Ms. Gutierrez.

6 Roll call on the motion. Mr. Grullon.

7 CHAIRPERSON GRULLON: Yes.

8 MR. VALLEJO: Ms. Gutierrez.

9 VICE CHAIRPERSON GUTIERREZ: Yes.

10 MR. VALLEJO: Mr. Ortiz.

11 MR. ORTIZ: Yes.

12 MR. VALLEJO: Ms. Pena.

13 MS. PENA: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Motion passes. Thank you.

19

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1 **314 37TH, LLC -**

2 **314 37th Street:**

3
4 MR. VALLEJO: We'll move to number 6 on
5 the list. 314 37th Street, LLC, 314 37th Street.
6 Ms. Pereiras.

7 MS. PEREIRAS: Again, Bianca Pereiras on
8 behalf of the applicant for property at 314 37th
9 Street, also known as Lot 9 in Block 221. The
10 application before the Board this evening is to
11 construct a rear addition to an existing five unit
12 building.

13 For purposes of the record, we have
14 previously submitted our jurisdictional
15 submissions and jurisdiction was acquired by this
16 Board at the July 14th meeting. We have one
17 expert to testify before the Board. Again, that
18 is our architect, Mr. Manuel Pereiras.

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

21 MS. PEREIRAS: Mr. Pereiras, are you
22 familiar with the property in question?

23 MR. PEREIRAS: I am.

24 MS. PEREIRAS: And did you prepare the
25 drawings that are before the Board this evening?

1 MR. PEREIRAS: I have.

2 MS. PEREIRAS: And would you kindly
3 describe the proposed addition to the Board?

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

5 MR. PANEQUE: Mr. Pereiras, Ms.
6 Pereiras, if I could have one moment.

7 We have a memo from the building
8 department that indicates that the property
9 located at 314 37th Street is recognized as a two
10 unit residential structure. Your application is
11 coming in indicating that it's a five unit and
12 you're adding an additional unit?

13 MR. PEREIRAS: No.

14 MS. PEREIRAS: No.

15 MR. PEREIRAS: An addition, not an
16 additional unit.

17 MR. PANEQUE: So it's still a five?

18 MR. PEREIRAS: Yep.

19 MR. PANEQUE: How did we go from two to
20 five?

21 MR. PEREIRAS: This has been a five unit
22 project -- I have worked on this building for the
23 past 15 years. It's been five units as long as I
24 have worked on it. I am very surprised that we
25 have this memo from the building department and we

1 just got it now. It's a five unit building and
2 I'd like --

3 MS. PEREIRAS: Counsel, if there's a
4 discrepancy there, then I need an opportunity to
5 speak to the building department because I'm sure
6 that's probably just either a typo or a confusion
7 on their part. And I'm happy to work that out
8 further with them.

9 MR. PANEQUE: Yeah. A copy of the tax
10 assessment record, I believe this is the one going
11 back to the '70s, is provided by the building
12 department. And it shows that it's checked off as
13 a two-family dwelling. And, let's see, there's no
14 indication anywhere of five units or even four.

15 MS. PEREIRAS: Our office has
16 considerable knowledge of this property in
17 particular, that's why I think there might be some
18 kind of an error there. But the only way I can
19 pursue that further is if I review that memo, the
20 tax report.

21 MR. PEREIRAS: I believe this was
22 converted sometime in the '80s, so it would, you
23 know, the tax records predates that and we'll try
24 to clear it up.

25 MR. PANEQUE: Okay. It's your request,

1 Ms. Pereiras, to adjourn this matter?

2 MS. PEREIRAS: If we can carry this
3 matter, if there's a discrepancy that we discover
4 later on, we'll address that in our notice.

5 MR. PANEQUE: Mr. Chairman?

6 CHAIRPERSON GRULLON: What would be the
7 next meeting, Mr. Vallejo?

8 MR. VALLEJO: October 13th.

9 CHAIRPERSON GRULLON: And, Ms. Pereiras,
10 your request is to adjourn it to October 13th
11 meeting?

12 MS. PEREIRAS: Yes, please, Mr.
13 Chairman.

14 CHAIRPERSON GRULLON: Make a motion to
15 adjourn this.

16 MR. VALLEJO: Motion to adjourn.

17 MR. PANEQUE: No further notice will be
18 required, Ms. Pereiras.

19 MS. PEREIRAS: Thank you very much.

20 VICE CHAIRPERSON GUTIERREZ: Second it.

21 MR. VALLEJO: Motion to adjourn this
22 application for October 13th by Mr. Grullon,
23 seconded by Ms. Gutierrez. No new notice
24 required. Roll call on the motion. Mr. Grullon.

25 CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 VICE CHAIRPERSON GUTIERREZ: 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: Six in favor, motion

12 carries.

13 MR. PANEQUE: If anybody is here on the
14 application for 314 37th Street, this matter has
15 been carried to the October 13th meeting, no
16 further notices will be sent out. So if you want
17 to participate, kindly be here on October 13th.

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1 **716 CAPITAL, LLC -**

2 **716 29th Street:**

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4 MS. PEREIRAS: Mr. Paneque, if it's
5 possible, if we could call the next one later in
6 the meeting. Mr. Kauker is supposed to be my
7 planner on that and he had to step out, but I'm
8 hoping he comes back in time. If not, we'll carry
9 it.

10 MR. PANEQUE: It's okay. That would be
11 4614?

12 MS. PEREIRAS: 4614 Kennedy Boulevard.

13 MR. PANEQUE: So we're going to jump to
14 number 8.

15 MR. VALLEJO: So now we're moving on the
16 list to number 8, 716 Capital, LLC, 716 29th
17 Street. Ms. Pereiras.

18 MR. PANEQUE: Let the record reflect as
19 follows. I've been provided by Ms. Pereiras with
20 a certification as to publication and service
21 indicating that notice of tonight's hearing with
22 respect to the property at 716 29th Street was
23 sent to all property owners within the 200 foot
24 radius.

25 I've also been provided with a copy of

1 The Jersey Journal newspaper article indicating
2 that notice of tonight's hearing with respect to
3 the property in question was published in the
4 newspaper on the 27th of August.

5 I've also been provided with a copy of
6 the notice that went out as well as the tax list
7 from the tax assessor's office noting all
8 properties within the 200 foot radius of 716 29th
9 Street. That list from the tax assessor's office
10 is dated August 23, 2022.

11 I've also been provided with the
12 certified mail receipts, the certified mail
13 receipts have a postmark date of August 26, 2022.

14 Based on the documentation that has been
15 provided by Ms. Pereiras, this Board has
16 jurisdiction to proceed and hear this matter.

17 MS. PEREIRAS: Thank you very much,
18 Counsel. May it please the Board, Bianca Pereiras
19 on behalf of 716 Capital, LLC, in regards to
20 property at 716 29th Street, also known as Lot 9
21 in Block 162. The property is currently a four
22 unit, it is recognized by the building department
23 as a four family. The application before the
24 Board this evening is to maintain it as a four
25 family, but to construct an addition to the rear

1 to increase the livable space. We have one expert
2 to testify and that is Mr. Pereiras.

3 MR. PEREIRAS: Manny Pereiras, I
4 recognize I am still under oath.

5 MS. PEREIRAS: Mr. Pereiras, are you
6 familiar with the property at 716 29th Street?

7 MR. PEREIRAS: I am.

8 MS. PEREIRAS: And did you prepare the
9 drawings before the Board?

10 MR. PEREIRAS: I did.

11 MS. PEREIRAS: Can you please describe
12 the project for the Board?

13 MR. PEREIRAS: I'll be happy to. In
14 fact this Board has seen this identical project in
15 the past several years ago. Unfortunately, the
16 client had a few financial difficulties,
17 particularly through COVID, and he wasn't ability
18 get his permits in in time. And we're back before
19 this Board for the same application here.

20 And I think this is like -- this has
21 been one of my war stories, this project. I love
22 talking about this project and I'll explain why in
23 a second. But before I get there, I'd like to
24 speak about the site. We have a site that is
25 25 feet wide and it's 90 feet deep. So we're

1 slightly undersized. Of course, this is a
2 preexisting nonconformity, both for lot depth and
3 for lot area. This is something that -- a
4 hardship we're dealing with and there's no
5 opportunity to gain land anywhere around the
6 project.

7 There is an existing house that is
8 7 feet 4 inches from the front, there is a covered
9 porch that's 3 foot 9 feet and then there's two
10 stories from that point, all the way back to
11 40 feet 5 inches. This is the existing base of
12 the house. We have preexisting nonconformities
13 here for front yard, for side yard as well, both
14 sides. Of course there's preexisting
15 nonconformities also for parking. There's no
16 opportunity to place a car on the site.

17 That said, we're proposing a rear
18 addition. And when I turn the page, you will
19 understand why. If you notice these floor plans,
20 we have the existing condition for the first floor
21 here and the second floor here. This is like
22 trivia -- I know we have a long agenda, but take a
23 look and wonder what's missing from those?
24 Bathrooms.

25 So there were four families in this

1 house, they shared a toilet that was located in
2 the stairwell. There are no sinks other than the
3 kitchen sink. And you have four families that
4 were living there because I visited the site when
5 the four families were still there. And they had
6 lived there for generations, it was their family.

7 So this house obviously has what -- the
8 minimum requirements for a dwelling are missing
9 and that's why we're proposing a rear addition.
10 We're proposing a rear addition so we could
11 re-create this, provide a decent size bedroom
12 along the rear and create what was desperately
13 missing before, a bathroom, for each of these
14 units.

15 So our addition will occupy 23 feet
16 6 inches into the rear, we're left with a 15 foot
17 rear yard, which is 10 feet missing from a 25 foot
18 rear yard. However, we have a 90 foot lot and
19 that's our hardship that we're faced with. So
20 we're providing as much rear yard as a typical lot
21 would provide for our typical house size. And
22 we're really keeping the existing four units and
23 making them livable, good condition housing for
24 the residents of Union City.

25 We are going to do significant

1 improvements to the facade, basically it's
2 re-siding the entire facade, new paint job,
3 cleaning it all up. And that concludes my
4 testimony.

5 CHAIRPERSON GRULLON: Mr. Pereiras, the
6 sizes of the units could you go over?

7 MR. PEREIRAS: Be happy to. With the
8 additions, the units are 650 square feet.

9 CHAIRPERSON GRULLON: And what kind of
10 construction are you proposing? Are you
11 demolishing the entire --

12 MR. PEREIRAS: No, we're leaving
13 everything intact, everything is there in the
14 front. We're just proposing an addition to the
15 rear of it.

16 CHAIRPERSON GRULLON: What are the
17 existing condition? Are they -- are those walls,
18 are you planning to renovate those apartments?

19 MR. PEREIRAS: Yes. There's going to be
20 a full renovation, the kitchens are going to be
21 new, the walls are going to be cleaned up. There
22 are existing plaster walls, they're going to be
23 laminated with gypsum board. So it's going to be
24 brought to a healthy, good condition. It's
25 basically taking an existing property and bringing

1 it to liveable conditions.

2 CHAIRPERSON GRULLON: When you say there
3 was only one kitchen and one --

4 MR. PEREIRAS: No, no. There was only
5 one toilet on each of the floors.

6 CHAIRPERSON GRULLON: Each of the
7 floors.

8 MR. PEREIRAS: Without a sink and
9 without a bathtub. So the four familiar were
10 sharing the toilet. And then I guess they cleaned
11 up at the kitchen sink. But, yeah, so there's no
12 room here to do anything. Even with our addition,
13 we're at 650 square feet. So that's why the
14 addition is so important.

15 CHAIRPERSON GRULLON: The addition of
16 the 18 feet addition is just to provide full size
17 bathrooms?

18 MR. PEREIRAS: It's a full size bathroom
19 and a decent sized bedroom with closet space.

20 CHAIRPERSON GRULLON: Are you proposing
21 to renovate the facade to the building?

22 MR. PEREIRAS: Yes. We're going to
23 replace all the siding and paint the porch, so
24 it's going to look attractive, replace all the
25 windows, of course.

1 CHAIRPERSON GRULLON: Do you have any
2 other witness, Ms. Pereiras?

3 MS. PEREIRAS: We do not, Mr. Chairman.

4 CHAIRPERSON GRULLON: Any members of the
5 Board have any questions? Again, Mr. Pereiras,
6 you're going to have four family, all two bedroom
7 units?

8 MR. PEREIRAS: Correct. And they're
9 humble in size, economic, very reasonable for the
10 neighborhood to pay the rents.

11 CHAIRPERSON GRULLON: That's what they
12 have before? Four family, two bedroom?

13 MR. PEREIRAS: No, it was four family,
14 one bedroom. Now, it's four family, two bedroom.

15 MR. PANEQUE: And a bathroom.

16 MR. PEREIRAS: And a bathroom, yes.

17 CHAIRPERSON GRULLON: At this time, I'm
18 going to open it to the public. Any members of
19 the public want to step forward? The gentleman
20 there behind Mr. Pereiras?

21 MR. GARCIA: Andres Vega Garcia, 21 34th
22 Street, Union City, New Jersey, 513. I have a
23 question for you, Mr. Pereiras, you mentioned that
24 you were -- the main idea of the application is to
25 bring the better quality space to the existing

1 units?

2 MR. PEREIRAS: Yes.

3 MR. GARCIA: And you are asking not to
4 increase the number of units?

5 MR. PEREIRAS: Correct.

6 MR. GARCIA: You just want the rear to
7 give more space. And you mentioned that you
8 have -- if the application is approved, you're
9 going to have around 650 square feet?

10 MR. PEREIRAS: Yes.

11 MR. GARCIA: And actually how many
12 square feet do they have?

13 MR. PEREIRAS: It's -- I actually didn't
14 write the existing on the plan, but I would say
15 it's probably around 350.

16 MR. GARCIA: Okay. And also just the
17 parking, you cannot do anything. However, you are
18 not impacting the parking spaces?

19 MR. PEREIRAS: Correct. Our applicant
20 actually desperately would like to put parking in
21 front of this building, however he only has
22 11 feet 5 inches. If the Board were willing to
23 entertain that, we could provide two spaces. But
24 the car will overlap into the sidewalk a little
25 bit. But the applicant would be willing to tear

1 down the porch to do that. But there's not enough
2 room on the site.

3 MR. GARCIA: Thank you.

4 CHAIRPERSON GRULLON: Thank you, Mr.
5 Garcia. Any other members of the public? Hearing
6 none, close.

7 Taking into consideration that by doing
8 the addition on this property, it would improve
9 the quality of life of the tenants, I make the
10 motion to grant the application.

11 MR. VALLEJO: Motion on the table to
12 grant the application by Mr. Grullon. Any second?

13 VICE CHAIRPERSON GUTIERREZ: Second.

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

16 CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 VICE CHAIRPERSON GUTIERREZ: 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: Six in favor, motion
3 carries.

4 MR. GARCIA: Thank you all very much.

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1 **Saturnino Guaman & Cruz Gregoria -**
2 **3401 Hudson Avenue:**

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4 MR. VALLEJO: Moving to number Saturnino
5 Guaman and Cruz Gregoria, 3401 Hudson Avenue. Ms.
6 Pereiras, please.

7 MR. PANEQUE: Let the record reflect as
8 follows: I've been provided by Ms. Pereiras with
9 a certification as to publication and service
10 indicating that notice of tonight's hearing with
11 respect to the property at 3401 Hudson Avenue was
12 provided to all property owners within the 200
13 foot radius of this property, giving notice of
14 tonight's hearing at this location, the Union City
15 High School.

16 I've also been provided with a copy of
17 the newspaper article indicating that the notice
18 was for September 8th at 6:00 p.m. at this
19 location with respect to the property 3401 Hudson
20 Avenue.

21 I've been provided with a copy of the
22 certified tax list from the tax assessor's office
23 noting all properties owners within the 200 foot
24 radius of 3401 Hudson Avenue. This tax list was
25 done on August 23, 2022.

1 I've also been provided with certified
2 mail receipts with a postmark date of August 26,
3 2022.

4 Based on the information that has been
5 provided, this is Board has jurisdiction to
6 proceed and hear this matter.

7 MR. GARCIA: Thank you very much,
8 Counsel. Again, Bianca Pereiras on behalf of the
9 applicant for 3401 Hudson Avenue also known as Lot
10 7 in Block 207. Here, we have an oversized lot of
11 approximately 4,500 square feet, where we have two
12 principal uses. There is a commercial building on
13 the site that is not part of the application. The
14 focus of this application is the dwelling or the
15 residential unit where we are seeking to legalize
16 the unit. We have one expert to testify and that
17 is our architect, Mr. Manuel Pereiras. Mr.
18 Pereiras.

19 MR. PEREIRAS: Still Manny Pereiras,
20 still under oath.

21 MS. PEREIRAS: Mr. Pereiras, are you
22 familiar with the property at 3401 Hudson Avenue?

23 MR. PEREIRAS: I am.

24 MS. PEREIRAS: And did you prepare the
25 drawings that are before the Board this evening?

1 MR. PEREIRAS: I have.

2 MS. PEREIRAS: And would you kindly
3 describe the site as well as the proposed
4 development?

5 MR. PEREIRAS: I'd be very happy to.
6 The Guaman family resides on this property, they
7 work at this property. They have a lovely family,
8 rather large family. They own the business that's
9 located in the rear portion of this property,
10 which is an appliance repair shop along here. And
11 then they live at this structure at the corner of
12 Hudson and 34th Street.

13 Unfortunately, they suffered a very
14 massive fire that destroyed the entire house,
15 displaced the entire family and they're looking to
16 move back in. We have prepared construction
17 documents to correct the fire damage and we have
18 done that already for two of the units and they're
19 very close to being able to move back in.

20 They discovered during the fire process
21 that their basement or lower level, which they had
22 purchased the house like that, was an illegal
23 unit. And we're here before this Board in order
24 to correct that. It is another family member that
25 is going to be living in that unit as well. The

1 mother lives on the first floor, they have one son
2 above, one son that's going to live in the lower
3 floor. And we're improving the building structure
4 in several ways.

5 I'd like to walk through the site. We
6 have a frontage of 45 feet along Hudson Avenue and
7 we have a depth of 100 along 34th Street.
8 Warehouse structure, current two-family structure
9 here. There's a small shed along that rear
10 portion as well. One of the things that we're
11 looking to do is create parking on that site.
12 Existing condition, proposed condition. Along
13 Hudson Avenue is a perfect opportunity to create a
14 curb cut and create two parking spaces inside the
15 lot, so we'll have two parking spaces inside the
16 lot, one parked outside the curb cut. And then
17 there's an existing small parking space they use
18 for the business along 34th Street, that will
19 remain.

20 There is a gap here and we're proposing
21 an addition to square off the house at that gap.
22 The addition is basically six foot six in depth
23 and a width of fourteen feet, one inches. And
24 you'll see when I go to the floor plans why that's
25 critical.

1 Here, we have the proposed conditions.
2 The apartment in question is the basement
3 apartment. It's going to be a 579 square foot
4 apartment and we're looking to create an
5 independent entrance that is suitable for that
6 apartment and that's why we have this addition.
7 The addition is going to create a doorway right
8 from the sidewalk, a large landing, and steps to
9 go down to that area, that will all be enclosed in
10 the six foot, six by fourteen foot one space. You
11 enter the apartment, there's a common hallway
12 that's going to have all the mechanical equipment
13 for the building. And then you enter the
14 apartment itself. It is a one bedroom apartment,
15 the one bedroom is ten foot six, by fourteen foot,
16 three. It has a large egress window that we're
17 carving out the site, so that in case there's a
18 fire or emergency, someone could escape through
19 that window. And then there's a large living
20 room, dining room, kitchen area that is all open.

21 The floors above have remained the same
22 and permits have been pulled out and those are all
23 being repaired. You have a two bedroom on the
24 first floor and a two bedroom on the second floor.
25 And then there's an attic space that's connected

1 to the second floor, that's an existing family
2 room for the house, that will not change.

3 However, in the area that we're building
4 that stairwell, we are closing off the house so
5 that the bedroom that is currently very tiny is
6 now a decent sized bedroom. And after this
7 addition, it will thirteen eight by nine seven.
8 And that's the bedroom on the second floor area.

9 The facade will remain roughly the same,
10 other than repairs. But the rear portion, you see
11 where that addition happened, we're covering that
12 area and that small portion. If you're looking
13 from the side, this is that six by six by fourteen
14 addition that just basically goes two and a half
15 stories. And that concludes my testimony.

16 CHAIRPERSON GRULLON: I'm sorry, I
17 didn't hear, that concludes your testimony?

18 MS. PEREIRAS: Yes.

19 CHAIRPERSON GRULLON: Do you have any
20 other witnesses?

21 MS. PEREIRAS: We do not.

22 CHAIRPERSON GRULLON: I was looking at
23 the pictures here for the setbacks. This is a
24 corner property?

25 MR. PEREIRAS: That is correct.

1 CHAIRPERSON GRULLON: And on the north
2 side, you're going to have the parking spaces?

3 MR. PEREIRAS: Correct.

4 CHAIRPERSON GRULLON: I'm just asking
5 this question because you mentioned that a fire
6 destroyed the house in that area, we just want to
7 make sure that you have enough space for fire
8 department to respond?

9 MR. PEREIRAS: Yep.

10 CHAIRPERSON GRULLON: You know, just to
11 deal with any type of situation.

12 MR. PEREIRAS: Yeah.

13 CHAIRPERSON GRULLON: Could you just go
14 over again the layout?

15 MR. PEREIRAS: I'd be very happy to. So
16 we have preexisting nonconformities as far as side
17 yard and front yard setbacks on this property,
18 we're not changing that. We are expanding it a
19 little bit with the small addition, but that
20 doesn't affect fire access. There is fireman
21 access from every angle on all four sides of the
22 house. They have an access through the north
23 side, they have access of course through Hudson,
24 they have access through 34th, and they have
25 access to the north side in this area between this

1 house and the warehouse as well.

2 There are some sheds that were there,
3 that are makeshift, that either -- I think they're
4 actually already removed during construction. In
5 addition, so that you feel more comfortable, there
6 are significant measures that are taking place in
7 order to make this house safe from a fire
8 standpoint. First and foremost, the unit that
9 we're legalizing is going to be protected with a
10 domestic line sprinkler system. So any fire that
11 happens there is going to get extinguished right
12 away with that sprinkler. In addition to that,
13 since it's a full rehab, we're providing a low
14 voltage alarm system throughout the building in
15 all the common areas, as well as a 110-volt system
16 in each of the apartments.

17 Furthermore, since this was a full
18 reconstruction, we are reestablishing the fire
19 separations between the units. So the ceilings of
20 each unit and the floor assemblies, the ceiling
21 floor assembly is going to be one hour separated,
22 with gypsum board in order to protect and seal off
23 fire. All the proper blocking and fire stopping
24 is done because all the walls were open.

25 These old houses, you have a fire, the

1 fire travels through the wall over the house.
2 It's very hard to fight one of those fires.
3 That's no longer the case. This house is going to
4 comply with today's codes and standards, so it is
5 a very safe house from the -- and it's a horrible
6 situation were there was a fire, it would be -- we
7 could fight the fire from all sides of the house.

8 CHAIRPERSON GRULLON: Thank you, Mr.
9 Pereiras.

10 Ms. Pereiras, did you say that this
11 application is occupied by the owner?

12 MS. PEREIRAS: It is. It is owner
13 occupied and the entire family lives at --

14 CHAIRPERSON GRULLON: For how long they
15 own the property?

16 MS. PEREIRAS: Let me double check. Are
17 they here?

18 MR. PANEQUE: 2017.

19 MS. PEREIRAS: But prior to 2017, it was
20 still in the family. I think they did a change of
21 deed, but it was prior -- maybe not, maybe I'm
22 mistaken. At least from 2017.

23 CHAIRPERSON GRULLON: And it's going to
24 continue being occupied by the owner?

25 MS. PEREIRAS: It's going to continue to

1 be occupied by the owners and the family.

2 MR. PEREIRAS: The mother's apartment on
3 the first floor, we have designed every little
4 square inch and she's checked off on every single
5 part. So she's very happy to go in there.

6 CHAIRPERSON GRULLON: Thank you, Mr.
7 Pereiras. Any members of the Board have any
8 questions? Do you have any other witnesses?

9 MS. PEREIRAS: We do not, Mr. Chairman.

10 CHAIRPERSON GRULLON: At this point, I
11 want to open to the public. Any member of the
12 public want to step forward on this application?
13 Hearing none, close to the public.

14 Taking in consideration that this
15 property was affected by a fire and now they're
16 going to have the opportunity to bring everything
17 to code compliance, according to the building
18 department fire codes, I'll make a motion to grant
19 this application.

20 MR. VALLEJO: Motion on the table to
21 grant the application by Mr. Grullon.

22 VICE CHAIRPERSON GUTIERREZ: Second.

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

25 CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 VICE CHAIRPERSON GUTIERREZ: 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: Six in favor, motion
12 carries.

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1 **TJ PROPERTY REALTY, LLC -**
2 **507 32nd Street:**

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4 MR. VALLEJO: We moving now to TJ
5 Property Realty, LLC, 507 32nd Street. Ms.
6 Pereiras, please.

7 MR. PANEQUE: Let the record reflect as
8 follows: I have been provided by Ms. Pereiras
9 with a certification as to publication and service
10 indicating that notice of tonight's hearing with
11 respect to the property at 507 32nd Street was
12 provided to all properties owners within the 200
13 foot radius.

14 I've been provided with a copy of the
15 notice that was published in the local Jersey
16 Journal newspaper with a publication date of
17 August 27, 2022. Said notice indicates that the
18 hearing is to take place night at this location
19 with respect to the property in question.

20 I've also been provided with a tax list
21 from the tax assessor's office noting all property
22 owners within the 200 foot radius of 507 32nd with
23 a date of August 23, 2022, as well as the
24 certified mail receipts with a stamp date of
25 August 26, 2022.

1 Based on the documentation provided,
2 this Board has jurisdiction to proceed and hear
3 this matter.

4 MS. PEREIRAS: Thank you, Counsel.
5 Bianca Pereiras on behalf of TJ Property Realty,
6 LLC, for property located at 507 32nd Street, also
7 known as Lot 27 in Block 170. I'm actually
8 thrilled to be part of this application because
9 this is a building that most of us know, this is
10 right on 32nd Street and one of our busiest or
11 most important thoroughfares. But this building
12 is what we all know as Pastore Music Store. I
13 spent much of my childhood here buying sheet
14 music.

15 If you may recall, there was the music
16 store on the ground floor. And on the floors
17 above, they would give music lessons, piano
18 lessons and different instrumental lessons.
19 Pastore's closed down several years ago and the
20 property has maintained -- has remained vacant.

21 The applicant who's here this evening is
22 desirous of building or having a retail and
23 pharmacy on the ground floor and converting the
24 two stories above to residential units. So the
25 application before the Board this evening is to

1 convert a building that was fully commercial to
2 mixed use, maintain the commercial on the ground
3 floor and four residential units above. We have
4 one expert to testify before the Board this
5 evening and that is our architect.

6

7 J E R E M Y D. B O Y E R, after having been
8 duly sworn or affirmed, did testify as follows:

9

10 MR. BOYER: Jeremy D. Boyer, B-O-Y-E-R.

11 MS. PEREIRAS: Mr. Boyer, is this your
12 first time appearing before this Board?

13 MR. BOYER: It is.

14 MS. PEREIRAS: Would you kindly give
15 your qualifications to the Board?

16 MR. BOYER: I am a registered architect
17 in good standing in the State of New Jersey.

18 MS. PEREIRAS: And have you testified
19 before other boards?

20 MR. BOYER: Not in the State of New
21 Jersey, I have before boards in other states.

22 MS. PEREIRAS: And your license is --
23 what school did you go to?

24 MR. BOYER: Virginia Tech.

25 MS. PEREIRAS: Virginia Tech. Does the

1 Board have any other questions?

2 CHAIRPERSON GRULLON: We accept your
3 qualifications.

4 MS. PEREIRAS: Thank you.

5 Mr. Boyer, are you familiar with the
6 property at 507 32nd Street?

7 MR. BOYER: I am.

8 MS. PEREIRAS: And did you prepare the
9 drawings that are before the Board this evening?

10 MR. BOYER: Yes.

11 MS. PEREIRAS: And would you kindly
12 describe the proposal for the Board?

13 MR. BOYER: We are proposing renovating
14 an existing three story building. The previous
15 use had been full commercial on all three stories
16 of the building with a music store, as previously
17 stated, music studios on the upper floors. The
18 ground floor is roughly 2,400 square feet and the
19 upper two floors are roughly 1,700 square feet
20 each. We are proposing to convert the upper two
21 floors to a single bedroom and a double bedroom
22 unit on each of the two floors for a total of four
23 residential units.

24 To compliment that renovation, we are
25 proposing minor adjustments to the facade of the

1 building to allow direct access to the residential
2 units from the public way. We will be maintaining
3 the access directly into the retail on the ground
4 floor. We are proposing to also replace the
5 fenestration on the upper floors to ensure
6 compliance with egress for the residential units.
7 You will notice that the proposed units all have
8 access to the front facade of the building. Part
9 of the goal of replacing the windows on the upper
10 floors of the building is to provide egress
11 compliant opening sizes.

12 The proposed use for the ground floor is
13 a pharmacy. So we are requesting the Board's
14 consideration for the additional unit. I believe
15 three residential units are permitted in the zone,
16 we're proposing a fourth unit. The other
17 consideration is that the existing building has a
18 number of existing nonconformities. It is full
19 lot coverage, it is built to the property line on
20 all four sides. So as a result of that, there's
21 also no opportunity to add parking to the
22 property.

23 MS. PEREIRAS: And, Mr. Boyer, are we
24 modifying the footprint of this building in any
25 way?

1 MR. BOYER: We are not.

2 MS. PEREIRAS: And could you kindly
3 describe the layout of the units above?

4 MR. BOYER: Certainly. The two bedroom
5 apartments go through the full depth of the upper
6 floor of the building to allow one bedroom to have
7 access to the front facade, as I mentioned
8 previously, which will ensure compliance with
9 egress per the building code. The single bedroom
10 apartment is also at the front facade of the
11 building to also allow access to an egress window
12 at the front facade, as there's no other safe
13 means of egress through the other three property
14 lines.

15 MS. PEREIRAS: And correct me if I'm
16 wrong, but the two unit apartments are roughly
17 966 square feet, correct?

18 MR. BOYER: Correct.

19 MS. PEREIRAS: And the one bedroom is
20 roughly 528 square feet?

21 MR. BOYER: Correct.

22 MS. PEREIRAS: Okay. And if we go
23 quickly through the variances, just to ensure that
24 we have clarity for the Board, the minimum lot
25 area requirement in the City of Union City is

1 2,500 square feet, we're slightly shy of that,
2 correct?

3 MR. BOYER: Correct.

4 MS. PEREIRAS: We are at approximately
5 2,408 square feet; is that correct?

6 MR. BOYER: Correct.

7 MS. PEREIRAS: And, again, we're not --
8 we have no opportunity to enlarge this lot. The
9 lot width that's required in Union City is 25 feet
10 and here we are slightly shy again at 24.92 feet,
11 correct?

12 MR. BOYER: Correct.

13 MS. PEREIRAS: Okay. Lot depth,
14 100 feet is required, and again slightly shy at
15 97.81?

16 MR. BOYER: The two side lot lines are
17 slightly different but, that is correct.

18 MS. PEREIRAS: And the property is
19 developed to both side yards at the sides,
20 correct?

21 MR. BOYER: Correct.

22 MS. PEREIRAS: To the property line?

23 MR. BOYER: Yes.

24 MS. PEREIRAS: Okay. And the minimum
25 rear yard that's required in town is 20 feet, we

1 do not meet that, correct?

2 MR. BOYER: We do not.

3 MS. PEREIRAS: We are also at the
4 property line to the rear?

5 MR. BOYER: Correct, specifically on the
6 ground floor.

7 MS. PEREIRAS: And as far as could you
8 speak to the coverage real quickly?

9 MR. BOYER: The existing building is
10 100 percent lot coverage.

11 MS. PEREIRAS: And as far as stories we
12 have a three story building, correct?

13 MR. BOYER: Correct.

14 MS. PEREIRAS: And we're not increasing
15 the height in any way?

16 MR. BOYER: Correct.

17 MS. PEREIRAS: And also there's no
18 opportunity for parking on-site; is that correct?

19 MR. BOYER: Correct.

20 MS. PEREIRAS: I have no further
21 questions.

22 CHAIRPERSON GRULLON: Mr. Boyer, could
23 you explain where the apartments are located,
24 proposed apartments, the apartments --

25 MR. BOYER: Where are they located?

1 CHAIRPERSON GRULLON: Are you going to
2 have any apartments on the ground floor?

3 MR. BOYER: No. The ground floor will
4 be fully retail pharmacy use.

5 CHAIRPERSON GRULLON: Mr. Spatz, your
6 memo said apartments are not permitted on the
7 ground floor, is that consistent with the area?
8 That the apartments are permitted on the upper
9 floors?

10 MR. SPATZ: I think the issue is that
11 yes, you're allowed to have apartments in the
12 upper floors, but only a maximum of three units
13 and they're providing a fourth unit.

14 CHAIRPERSON GRULLON: They're providing
15 four units?

16 MR. SPATZ: Right. On the upper floors,
17 which is permitted in the zone.

18 CHAIRPERSON GRULLON: They're in
19 compliance with the ground floor?

20 MR. SPATZ: Yes.

21 MS. PEREIRAS: Yes, that's correct.

22 CHAIRPERSON GRULLON: Okay. Your
23 application is to request to change it from all
24 commercial to --

25 MS. PEREIRAS: Mixed use.

1 CHAIRPERSON GRULLON: To mixed use, one
2 commercial and four --

3 MS. PEREIRAS: Four residential units,
4 that's correct, Mr. Chairman.

5 CHAIRPERSON GRULLON: You mentioned that
6 the facade of the building, there's no change -- I
7 mean the footprint of the building, but you're
8 proposing to change the facade?

9 MR. BOYER: The facade will remain
10 substantially the same. We are proposing to
11 replace the existing windows on the front facade
12 to make them egress compliant for the residential
13 use. We are proposing a slight modification at
14 the ground floor to provide a vestibule and direct
15 access into the residential stairwell to the upper
16 floors.

17 CHAIRPERSON GRULLON: What material is
18 the facade of the building?

19 MS. PEREIRAS: It's fully brick.

20 CHAIRPERSON GRULLON: Fully brick, okay.
21 I don't have any additional questions. Any
22 members of the Board have any questions? Do you
23 have any other witness?

24 MS. PEREIRAS: We do not.

25 CHAIRPERSON GRULLON: No more questions

1 from us. At this time, I want to open to the
2 public. Any members of the public want to step
3 forward? Hearing none.

4 Taking into consideration that this use
5 of all commercial has been abandoned for quite a
6 few years, it's going to bring residential units
7 to the area where it's most needed, I make a
8 motion to grant.

9 MR. VALLEJO: Motion on the table to
10 grant the application by Mr. Grullon. Any second?

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. Ortiz.

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Six in favor, motion

1 carries.

2 MS. PEREIRAS: Thank you all very much.

3 MR. BOYER: Thank you very much.

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ADOPTION OF RESOLUTIONS:

(1.) Resolution to appoint the attorney to the Zoning Board of Adjustment; retroactive on July 1, 2022 through June 30, 2023.

MR. VALLEJO: Let's go to the resolutions, we'll do that right away. We have five resolutions on tonight's agenda.

Resolution number one, to appoint attorney to the Zoning Board of Adjustment retroactive on July 1, 2022 June 30, 2023. 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. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Ms. Watley.

3 MS. WATLEY: Yes.

4 MR. VALLEJO: Six in favor, motion
5 carries. Congratulations, Mr. Board Attorney
6 Paneque.

7 MR. PANEQUE: Thank you.

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1 **ADOPTION OF RESOLUTION:**

2 (2.) Bernardino Saavedra 3806 New York Avenue,
3 Lot: 2 Block: 226. The applicant proposes to
4 construct a second story addition over an existing
5 one story commercial structure to create one
6 apartment. **Approved**

7
8 MR. VALLEJO: Going to resolution number
9 two, Bernardino Saavedra, 3806 New York Avenue.
10 This application was approved at the previous
11 meeting. Can I have a motion to memorialize this
12 resolution?

13 CHAIRPERSON GRULLON: Yes, move the
14 motion.

15 MR. VALLEJO: Motion by Mr. Grullon.

16 VICE CHAIRPERSON GUTIERREZ: Second.

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

19 CHAIRPERSON GRULLON: Yes.

20 MR. VALLEJO: Ms. Gutierrez.

21 VICE CHAIRPERSON GUTIERREZ: 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: Six in favor, motion
6 carries.

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ADOPTION OF RESOLUTION:

(3.) Jasen Bellamy 816 21st Street. Block: 117
Lot 17 The applicant proposes to construct a two
story addition and convert an existing warehouse
into a two family dwelling **Approved**

MR. VALLEJO: Moving to resolution
number three. Jasen Bellamy, 816 21st Street.
This application was approved at the previous
meeting. Can I have a motion to memorialize this
resolution?

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. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

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

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ADOPTION OF RESOLUTION:

(4.) BB 6th Holdings, LLC 733-35 6th Street.
Applicant proposes the conversion of 2 commercial
units into 2 residential units, for a total of 6
units. **Approved**

MR. VALLEJO: Resolution number four,
BB 6th Holdings, LLC, 733-35 6th Street. This
application was approved at the previous meeting.
Can I have a motion to memorialize this
resolution?

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. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

1 MR. VALLEJO: Five in favor, motion
2 carries. I did my homework.

3 MR. PANEQUE: I see that.

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ADOPTION OF RESOLUTION:

(5.) 302 24th Street - Christina Bui. Block: 139
Lot: 20 Convert an existing first floor Doctor's
office into residential dwelling unit. There will
be a total of 5 units in the building. **Approved**

MR. VALLEJO: Resolution number five,
302 24th Street. This application was approved at
the previous meeting. Can I have a motion to
memorialize this resolution.

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. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

1 MS. WATLEY: Yes.

2 MR. VALLEJO: Six in favor, motion
3 carries. Five minute break?

4 MR. PANEQUE: Five minute break.

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6 (Whereupon a short recess was taken.)

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1 **JFK REALTY, LLC -**

2 **4614 Kennedy Boulevard:**

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4 MR. VALLEJO: May I have your attention,
5 please. We're going to call number seven.

6 MR. PANEQUE: Let the record reflect the
7 following:

8 I have been provided by Ms. Pereiras
9 with the certification as to publication and
10 service with respect to the property at 4614
11 Kennedy Boulevard.

12 I've also been provided with a copy of
13 the notice that was published in the local
14 newspaper, The Jersey Journal with a publication
15 date of August 27th giving notice of this
16 application at this location for this evening.

17 I've also been provided with a list from
18 the tax assessor's office giving the names of all
19 property owners within a 200 foot radius of 4614
20 Kennedy Boulevard. That list was done on
21 August 18, 2022.

22 I've been provided with certified mail
23 receipts with a postmark date of August 26, 2022.

24 Based on the documentation provided by
25 Ms. Pereiras, this Board has jurisdiction to

1 proceed and hear this matter. Ms. Pereiras, I
2 understand that you're requesting the Board
3 tonight to carry this matter?

4 MS. PEREIRAS: Yes, Counsel. My planner
5 was here, had to leave for a personal matter and I
6 do not believe he'll make it back in time to
7 present this evening. So if this matter can be
8 carried without new notices, I would appreciate
9 that.

10 CHAIRPERSON GRULLON: Your request, Ms.
11 Pereiras, is to carry this to the next meeting?

12 MS. PEREIRAS: Yes please, Mr. Chairman.

13 CHAIRPERSON GRULLON: That would be
14 October 13th.

15 MS. PEREIRAS: Yes, thank you.

16 CHAIRPERSON GRULLON: I make a motion to
17 adjourn this application -- to carry this
18 application --

19 MR. VALLEJO: October 13th.

20 CHAIRPERSON GRULLON: -- to
21 October 13th.

22 MR. VALLEJO: Motion on the table to
23 adjourn this application to October 13th, no new
24 notice required. Motion by Mr. Grullon.

25 VICE CHAIRPERSON GUTIERREZ: Second.

1 MR. VALLEJO: Seconded by Ms. Gutierrez.

2 Roll call on the motion. Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Pena.

9 MS. PENA: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

12 MR. VALLEJO: Ms. Watley.

13 MS. WATLEY: Yes.

14 MR. PANEQUE: Six in favor, motion

15 carries.

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1 **CHRISTOFF SCHLUENDER -**

2 **1801-1803 Cliff Street:**

3 **NEIL MAROTTA, ESQ. - ATTORNEY FOR THE BOARD**

4
5 MR. VALLEJO: Going back to 1801-1803
6 Cliff Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Again, Bianca Pereiras on
8 behalf of the applicant for 1801-1803 Cliff
9 Street.

10 When we left it off earlier today, the
11 Board Attorney had raised some concerns and
12 questions, so I'd like to have Mr. Pereiras
13 address those concerns and questions as best he
14 can. Mr. Pereiras.

15 MR. PEREIRAS: Thank you. I'll be with
16 you in a second.

17 Okay. So counsel raised several
18 comments. And, Mr. Chairman, you raised a couple
19 comments.

20 I'd like to break things down in several
21 ways. First -- and I think what's the biggest
22 concern for the City is the concept of density,
23 okay. We have, on a 25 by 100 lot, we have
24 permitted the idea of having two units there,
25 okay. Two units, in theory, fit on 2,500, that is

1 1,250 square feet per unit. That is a way of
2 extrapolating kind of an ordinance for density.
3 And so it is fair to say one unit is equal to
4 1,125 square feet.

5 In our particular lot, we have 50 feet
6 wide and I'm using my calculator, just so I don't
7 mess up, by 75 feet. That is equal to
8 3,750 square feet. And in the 3,750 square feet,
9 if you divide that by 3, it equals 1,250 square
10 feet. So what we're proposing is exactly the same
11 density that Union City has imagined, the same
12 density that Union City has in their master plan,
13 the same density that Union City has in their
14 ordinance, one unit for 1,250 square feet.

15 Now, the reality is the configuration of
16 that 1,250 square feet does not fit what the
17 ordinance has, but that's the lot that we've been
18 given. However, the density we're matching
19 equally.

20 Counsel had mentioned that we're less
21 than -- we're over 50 percent. What that density
22 means, we're actually exactly correct. We are
23 matching that density, one unit per 1,250 square
24 feet. So it's exactly what our ordinance has and
25 that's what we're providing here.

1 Now, the idea of rear yard. You need
2 the knowledge local knowledge for that. And I'm
3 glad to say I have 42 years -- actually 43 years
4 of local knowledge. And that neighborhood, I'm
5 going to go to the plans here. That neighborhood
6 is very interesting. First and foremost, the
7 house that's to the immediate north of that has no
8 rear yard. That house goes all the way straight
9 to the backyard, no rear yard there. The house
10 immediately to the west of this house has no rear
11 yard either, that house occupies the entire site
12 straight to the back. So the two most important
13 properties, the adjacent house to the north and
14 the adjacent house to the west have zero rear
15 yards, okay. If you go further west, we have
16 Hudson School. Hudson School occupies the entire
17 site along that side. So there's no side yard, it
18 goes from corner -- from end to end, there's no
19 rear yard there either. The houses that have rear
20 yards are on the opposite block or across the
21 other side. So this house having a ten foot rear
22 yard is characteristically larger rear yard than
23 the neighboring properties. We're giving more
24 than what's actually there in that neighborhood.
25 We're providing a full ten feet across 75 feet.

1 So we're provide 10 feet by 75 feet.

2 Now, there's an important aspect of
3 semantics, okay. Union City does not want
4 three-family houses, we all know that. We're not
5 proposing a three-family house. There are three
6 families on this lot, but they're not three-family
7 houses, they're three separate houses, they're
8 one-family houses.

9 We could come before this Board with
10 this application differently. We could subdivide
11 this into three lots, but then we would be asking
12 this Board to create three nonconforming lots. I
13 didn't think that was appropriate. What we're
14 asking the Board to do is to consider three
15 structures, one-family houses, on this lot, which
16 is oversized and has the exactly proper density,
17 1,250 square feet per unit. That's what we're
18 requesting, it's exactly what Union City wants.
19 It's one-family houses.

20 And there's few projects that I really
21 plead hard for. This is going to be beautiful for
22 that neighborhood. It's going to be beautiful for
23 the neighbors, it's beautiful in a block where
24 there's a beautiful school that a lot of money has
25 been put into it. This is exactly what Union City

1 has been asking for. And we're giving it to you.
2 And I think it would be a huge benefit for the
3 neighbor not only because it's aesthetically
4 beautiful, but it's just really like -- it's what
5 we need and what we want. We're going to have
6 three families coming into this neighborhood, not
7 higher floors, not a building, not two families in
8 nonconforming lots. It's one-family houses,
9 that's exactly what the City is asking for.

10 CHAIRPERSON GRULLON: That concludes
11 your testimony, Mr. Pereiras?

12 MR. PEREIRAS: Yeah. I'm open for your
13 questions, I know there were several.

14 CHAIRPERSON GRULLON: I was just going
15 to hold my questions for the end. I had some
16 quick questions and suggestions. Any members of
17 the Board has any questions? We already heard the
18 testimony from the planner, you don't have any
19 other witness?

20 MS. PEREIRAS: We do not.

21 CHAIRPERSON GRULLON: At this time, I'd
22 like to open to the public. I want to hear from
23 the public and, you know, come back with a few
24 questions that I have on my own.

25 MR. GARCIA: I have a question.

1 CHAIRPERSON GRULLON: Mr. Garcia.

2 MR. GARCIA: You said that you have a
3 two, six setback in front?

4 MR. PEREIRAS: We have -- what we're
5 calling the front yard, which is 18th Street, we
6 have two foot, eight.

7 MR. GARCIA: Two foot eight, this is
8 from the ground floor all the way to the top?

9 MR. PEREIRAS: Yes.

10 MR. GARCIA: Or you have -- because I
11 was seeing like in the --

12 MR. PEREIRAS: Let me make sure.

13 MR. GARCIA: Let's see Z04, just to give
14 an example, this drawing here. What is this?

15 MR. PEREIRAS: That's just a projection
16 for the aesthetics on the building. It's this
17 bar. So it's not liveable floor space. But
18 you're right, it projects into that front yard
19 setback. So if you go in the front, if you
20 measure it above, that is smaller than the two
21 foot, eight.

22 MR. GARCIA: And here?

23 MR. PEREIRAS: It's the same across.

24 MR. GARCIA: Same across, okay. And
25 this two, eight setback -- so on the side, you say

1 there is --

2 MR. PEREIRAS: Two feet on the west and
3 three feet foot three on the east.

4 MR. GARCIA: On the corner?

5 MR. PEREIRAS: Right. There are
6 projections on the east, too, it's about a four
7 inch projections.

8 MR. GARCIA: This is going to give an
9 impact to the -- this will impact related to the
10 adjacent properties?

11 MR. PEREIRAS: No, I believe it doesn't
12 create a problem.

13 MR. GARCIA: Okay. Also since you know
14 me before, I know you know me, like I always been
15 asking for safety issues. I see that you have a
16 pretty nice fence on the deck that you're
17 proposing?

18 MR. PEREIRAS: Yes.

19 MR. GARCIA: However, I don't see any
20 setback regarding the deck?

21 MR. PEREIRAS: We don't. And in your
22 absence, that has been the normal.

23 MR. GARCIA: Normal, okay. I mean it's
24 like I remember -- for most of the time, just for
25 safety issues, we always -- me, as a citizen, I

1 think like just if I have a kid, whatever, going
2 up there, and I don't have any setback, I think
3 it's no --

4 MR. PEREIRAS: I understand.

5 MR. GARCIA: -- not safe at all?

6 MR. PEREIRAS: I understand.

7 MR. GARCIA: Just a recommendation.

8 MR. PEREIRAS: I understand. And if the
9 Board so wishes, we can definitely give a setback.

10 MR. GARCIA: Thank you.

11 CHAIRPERSON GRULLON: Thank you, Mr.
12 Garcia. Any other member of the public want to
13 step forward?

14 MS. PUERTA: Good evening, my first time
15 here, so obviously -- my name is Maria Puerta
16 Castillo, address is 160 18th Street, Union City.

17 So as I said, it's my first time here.
18 I'm not very aware of the plans. However, I've
19 been listening to the explanation. I have a few
20 concerns in regards to our property, which sits
21 right next to this other property. And also that
22 we just heard, it's a shame that Mrs. Cantos can't
23 be here today.

24 We would like to know first of all how
25 high would this new property be compared to the

1 other two adjacent properties?

2 MR. PEREIRAS: Compared to the adjacent
3 ones, let me see if I can -- actually, I think we
4 have photographs here that I can show you. So we
5 have a three story structure. Our height of our
6 roof is 35 feet, so this Board -- the height isn't
7 in question in this Board because it's a permitted
8 height. That said, I believe your structure is
9 two stories or -- am I correct, two stories, so
10 we're one story higher than you.

11 MS. PUERTA: Okay. Now, in regards to
12 that --

13 MR. PEREIRAS: And just to clarify, too,
14 you have a pitched roof, and we have a flat roof.

15 MS. PUERTA: I have a flat roof.

16 MR. PEREIRAS: You have a flat roof
17 everywhere? I think you have a pitched roof in
18 one portion.

19 MS. PUERTA: I think it's flat roof.

20 MR. PEREIRAS: Which house are you,
21 you're behind on Cliff?

22 MS. PUERTA: Next to you on --

23 MR. PEREIRAS: Next to us, the other
24 way. Yeah, you have a flat roof.

25 MS. PUERTA: So we do have solar panels.

1 My question is also how does that affect our
2 panels?

3 MR. PEREIRAS: I don't know. A solar --
4 a shade study would have to be done to see if it
5 affects your solar panels. I would guess that the
6 early mornings, you'll probably get less sun. But
7 past noon, you should be getting the same amount
8 of sun across and all the afternoon. So you might
9 have a little bit less on your solar panels in the
10 morning.

11 MS. PUERTA: Right. I do have another
12 question, my -- why three families?

13 MR. PEREIRAS: Because our lot has a
14 size that agrees -- that makes it fit properly,
15 single family homes. As I explained earlier, the
16 density of Union City, the ordinance of Union City
17 is one unit per 1,250 square feet. We have
18 3,750 square feet, so therefore, that's what makes
19 sense.

20 MS. PUERTA: So the answer would be just
21 because we could fit the three?

22 MR. PEREIRAS: Because it's --

23 MS. PUERTA: Three one-family houses
24 there?

25 MR. PEREIRAS: Yes.

1 MS. PUERTA: However, I know you
2 mentioned that it's what Union City wants. We're
3 giving it to you, you know, it's beautiful, it's
4 the neighborhood, there's a great school there.
5 Is the school prepared for three families coming
6 because these kids, I'm assuming, depending on the
7 school age, would directly attend Hudson School.
8 Are we prepared for that?

9 MR. PEREIRAS: Counsel?

10 MR. MAROTTA: The fact that there's
11 going to be an impact on the school system cannot
12 be taken into consideration by the Board.

13 MS. PUERTA: Perfect. Now the parking
14 situation?

15 MR. MAROTTA: Although the density can,
16 but go ahead.

17 MS. PUERTA: Right. So we have the Troy
18 Towers right next to us, we have gotten a lot more
19 an influx of people, especially after COVID,
20 right. Parking is pretty tight, we know that.
21 The school, when it's in session, teachers don't
22 have anywhere to park there. It's very difficult,
23 when we get the snow and you need to parallel --
24 you know, just usually that corner, that property
25 there has served as parking for many years for

1 neighbors and even teachers that used to rent from
2 the owner or landlord. That is an issue to me
3 just to know that there's going to be enough space
4 for -- parking space provided for whoever is
5 coming.

6 MR. PEREIRAS: I think you're completely
7 correct. And it's a very important and critical
8 issue and the City addresses that issue by
9 requiring two parking spaces per unit. And we're
10 providing that. So we're satisfying the
11 requirements of the City and we're providing six
12 parking spaces in total.

13 MS. PUERTA: Okay. Now, in terms of
14 privacy, I don't know if that can be taken into
15 consideration. But we don't -- you're right, we
16 don't have a backyard, we do have a side yard
17 where we enjoy our summers and, you know, the
18 springs. And we're also worried about the fact
19 that we're going to have people a floor above us.
20 So during the time that we want to sit outside,
21 are we going to be intruding in their space, are
22 they going to be intruding our space?

23 MR. PEREIRAS: Your side yard is going
24 to remain the same, we're not impeding in your
25 side yard in any way. And then we have an

1 additional two feet we're providing from our
2 property into our -- so there's no way your space
3 is --

4 MS. PUERTA: You mentioned you have a
5 rooftop?

6 MR. PEREIRAS: Yes.

7 MS. PUERTA: So we all know that's going
8 to be a hot spot for, you know, the summer, for
9 the spring, for parties, for holidays. I mean
10 it's one of my concerns, you know.

11 MR. PEREIRAS: They're going to enjoy
12 their rooftop, just like you're going to enjoy
13 your side yard.

14 MS. PUERTA: Right, right. When you
15 mentioned that this property would bring -- or I
16 think you mentioned earlier that it would be
17 accessible or I think who is this being made for?
18 This is going to be a rental property or are you
19 going to be selling?

20 MR. PEREIRAS: I don't know what the
21 owner wants to do with it. I believe the owner
22 wants to live in one of them. I don't know if
23 he's going to rent or sell the other two, but he's
24 going to live in one of them. But that's not for
25 this Board to discuss.

1 MS. PUERTA: Perfect, okay. I think you
2 answered all my questions. Thank you.

3 MR. MAROTTA: Thank you.

4 CHAIRPERSON GRULLON: Thank you. Any
5 other member of the public want to step forward?

6 MR. MAROTTA: Mr. Pereiras, you
7 mentioned a couple times that the City wants
8 1,250 square feet per unit. If that was the case,
9 why are we before the zoning board?

10 MR. PEREIRAS: Because of several --

11 MR. MAROTTA: We'd have 1,250 --

12 MR. PEREIRAS: We're before the zoning
13 board first and foremost because we're proposing
14 three structures on one lot. That's the main
15 reason we're before this Board. And if you take
16 that into consideration, all the other variances
17 are subsumed into that. However, we have a series
18 of variances on that. But the fact and the
19 statement that our density is in compliance and in
20 line with the master plan is 100 percent valid and
21 correct. And I recommend we could ask the City's
22 planner, Mr. Spatz.

23 MR. MAROTTA: Sure, okay. You've heard
24 the discourse, I guess the question is is the
25 two-family density the same as a single family

1 density?

2 MR. SPATZ: Well, the zoning ordinance
3 requires 2,500 square feet for both one-family and
4 a two-family, so I think the size should go into
5 your consideration. I think, to me, the variance
6 also is that there are three principal uses on one
7 lot. Even though the individual single family
8 buildings as single family uses are permitted, I
9 think the Board has to take into consideration
10 that it is three units on this lot.

11 If the lot -- you know, you could not
12 build a three-family building on this lot even if
13 it were oversized. Although, I agree that the
14 case could be made that, you know, a single family
15 requires a certain lot size and this would support
16 three families, but it is again three families on
17 one lot.

18 MR. MAROTTA: I guess the one point I'm
19 making is that the unit size any way, 1,250,
20 whatever however, you want to -- the amount is not
21 the only calculation that goes into play. And I
22 think Mr. Spatz addressed that. I did have one
23 other point --

24 MR. PEREIRAS: And we haven't by any
25 chance said that that's the only unit at play. I

1 believe that we provided testimony for each and
2 every aspect and every single point that has been
3 brought up. And we've had justifications for each
4 and every single one of those points that make
5 sense in this neighborhood. Even the neighbor who
6 came up here in her witness statement, she said
7 that it is beautiful and fits into the
8 neighborhood. She said other things, but that was
9 one of her statements.

10 MR. MAROTTA: I didn't hear that.

11 MR. PEREIRAS: I heard it and we could
12 play it back probably.

13 MR. MAROTTA: I didn't hear that. The
14 other question I have is since you are familiar
15 with the area, you mentioned that she does not
16 have a rear yard, that residence on the other
17 side, do they have a rear yard?

18 MR. PEREIRAS: So there is the immediate
19 property to the west, that's hers, no rear yard.

20 MR. MAROTTA: I'm sorry, on the other
21 side of the property on Cliff, I guess?

22 MR. PEREIRAS: On Cliff Street, that's
23 to the north, they do not have a rear yard either.

24 MR. MAROTTA: And I meant -- and you
25 stated that. I meant on the other side of them.

1 MR. PEREIRAS: You mean past that
2 property?

3 MR. MAROTTA: Yeah, north of that.

4 MR. PEREIRAS: So --

5 MR. MAROTTA: Which is only the next
6 house.

7 MR. PEREIRAS: So there is no next
8 house, the next house isn't on Cliff Street, it's
9 facing 19th.

10 MR. MAROTTA: Okay, okay. Because of
11 the angle?

12 MR. PEREIRAS: Yep.

13 MR. MAROTTA: And does that have a rear
14 yard?

15 MR. PEREIRAS: It does. But I don't
16 think it's fair to compare that house to here or
17 the neighborhood, it doesn't impact the site.

18 MR. MAROTTA: How far a way is it?

19 MR. PEREIRAS: It's on the 19th Street.

20 MR. MAROTTA: How far away is that, the
21 distance?

22 MR. PEREIRAS: From the property or to
23 the front door?

24 MR. MAROTTA: To the property?

25 MR. PEREIRAS: It is another property

1 away, so it's 25 feet, if that property is 25. I
2 don't know if it's 25.

3 MR. MAROTTA: Okay. So it's close?

4 MR. PEREIRAS: Yes. But does it apply,
5 does it make sense?

6 MR. MAROTTA: If it's that close, I
7 would hope so. So anyway, all right. That's all
8 I had.

9 MR. GARCIA: Did you go to the public?
10 It is closed to the public already?

11 MR. MAROTTA: No, I don't believe so.

12 MR. GARCIA: May I ask a question to Mr.
13 Spatz? Mr. Spatz, you mentioned like in 25 by 100
14 is permitted one and two-family houses?

15 MR. SPATZ: Right.

16 MR. GARCIA: We already hear the
17 applicant is seeking for depth of the lot because
18 it's only 75?

19 MR. SPATZ: Correct.

20 MR. GARCIA: What about if the client --
21 if the applicant come here to subdivide the lot in
22 two 25 by 75?

23 MR. SPATZ: Okay.

24 MR. GARCIA: Going to come with two
25 applications, two two-family houses, they're going

1 to come with four family houses, still seeking the
2 same variance of the 75 deep lot?

3 MR. SPATZ: The depth variance would be
4 the same.

5 MR. GARCIA: Going to be with four
6 family houses, the density impact going to be
7 higher than this application?

8 MR. SPATZ: They could make that
9 application, yes. They haven't, but they could,
10 sir.

11 MR. GARCIA: Thank you. That was
12 just --

13 CHAIRPERSON GRULLON: On that, they're
14 going to say right now they don't have -- they
15 have three lots, they tried to build on three
16 lots. It's 25 by 50, not by 75, 25 by 50, which
17 is half of the requirement, it's just half of the
18 requirement.

19 MR. GARCIA: No, no, what I'm --

20 CHAIRPERSON GRULLON: If you keep the
21 application to be 25 by 75 and build one-family
22 houses in each of the lot, that would make more
23 sense. You will have three units and we'll have
24 75, you're going to have deeper -- you will be
25 able to provide more yard. I think everything

1 will be better, you know. Right now, the density
2 is just bringing three family into a place where
3 you only have one family. If you leave it the way
4 it is, facing Cliff and divide it into two lots
5 instead of three lots, two lots, 75 by, you know,
6 25 -- 25 by 75 and build two of those beautiful
7 units, I think it would make more sense.

8 The other thing we changing that
9 application to the 18th Street side, we have the
10 school, we have a lot of students going up and
11 down that street. And that's a concern, that's
12 one of the questions I have, you know, having the
13 curb cut on 18th Street is dangerous for the kids,
14 the school is right there. And it's very
15 difficult to park, as they say.

16 We suggest for you to consider, you
17 know, reconsider the application. Because in my
18 opinion, it would not fit the neighborhood facing
19 18th Street. I'd rather to see two one unit, you
20 know, the same plans that you have there, they're
21 beautiful. We just need to talk about -- I'm not
22 sure if it's balcony that you're proposing, are
23 they balconies?

24 MR. PEREIRAS: They're Juliette's, so
25 they're not stepping out.

1 CHAIRPERSON GRULLON: They're not
2 stepping out, just --

3 MR. PEREIRAS: Just floor to ceiling
4 glass that opens.

5 CHAIRPERSON GRULLON: Maybe if you get
6 the opportunity to talk the applicant, want to
7 come back with two of those facing Cliff, maybe
8 reduce the deck just to have a setback, that way
9 they don't -- they're not going into the other
10 neighbors, you know, it's my opinion. But it's up
11 to you.

12 MR. PEREIRAS: I heard you, Mr.
13 Chairman, and I just -- if you do me the favor of
14 just expanding on that concept just a little bit.
15 Right now, we're providing ten feet along that
16 side, if we flip this house.

17 CHAIRPERSON GRULLON: Because you have
18 25 --

19 MR. PEREIRAS: -- and we build that way,
20 we're going to be providing only two feet for that
21 neighbor, it's actually less so for that neighbor.

22 CHAIRPERSON GRULLON: You'll still be
23 able to provide --

24 MR. PEREIRAS: No.

25 CHAIRPERSON GRULLON: -- the requirement

1 which is three feet.

2 MR. PEREIRAS: It's three feet on one
3 side, two feet on the other. We would choose to
4 put three feet on the other side. So the
5 neighbor, instead of having ten feet, their house
6 is going to be now two feet away. I think it's
7 the exact opposite and I know that neighbors, you
8 know --

9 CHAIRPERSON GRULLON: My concern is with
10 the curb cuts and driveways.

11 MR. PEREIRAS: I totally understand.

12 CHAIRPERSON GRULLON: And the students
13 on 18th Street side.

14 MR. PEREIRAS: And I'm speaking out loud
15 here, it would be unfair for our -- the applicant,
16 my client, to be reduced one-third in this
17 project, when you have a site that supports it.
18 So we understand and we'll rotate this towards
19 Cliff. I could talk to my client, but he would
20 still want a two-family house.

21 CHAIRPERSON GRULLON: I don't agree with
22 that, Mr. Pereira, I don't think the site
23 supports 25 by 50, you know, construction --

24 MR. PEREIRAS: Oh, no, I'm not saying
25 that. I'm saying 25 by 75, but now we're not

1 talking about one-family house, we're talking
2 about two-family house and we'll rotate it to
3 Cliff Street.

4 CHAIRPERSON GRULLON: One is -- I'm not
5 suggesting that you come back with a four family
6 application, I'm --

7 MR. PEREIRAS: I'm not either. I'm
8 saying we'll keep the same density, but when you
9 rotate the site, it makes sense that you have a
10 two-family house on that site.

11 MR. MAROTTA: I just don't understand
12 why it makes sense to have that. I understand you
13 want to maximize density as much as possible.

14 MR. PEREIRAS: It's not about density,
15 if I have a 25 by 100 lot --

16 MR. MAROTTA: You want to maximize value
17 as much as possible, but I don't understand why
18 that's necessary. I don't -- I don't think unfair
19 is the correct characterization. This is the
20 Zoning Board, okay. So you're already trying to
21 put something that is contrary to the zoning
22 ordinance. So I don't see that unfair is an issue
23 and put that on these Board members.

24 CHAIRPERSON GRULLON: You hear our
25 concerns --

1 MR. PEREIRAS: I understand.

2 CHAIRPERSON GRULLON: Leave the
3 application --

4 MS. PEREIRAS: Mr. Chairman, if we could
5 carry this matter, so we can address the concerns
6 that the Board has posed this evening and give our
7 client an opportunity to discuss it, to dwell on
8 it, and see if he would be willing to modify the
9 application.

10 CHAIRPERSON GRULLON: Okay. Before we
11 make a motion to carry it to the next meeting, I
12 want to hear if any members of the public still
13 have any questions?

14 MS. PEREIRAS: Absolutely.

15 CHAIRPERSON GRULLON: Any member of the
16 public, I want to open it to the public one more
17 time. Do you have any additional questions?
18 Please step forward. Your name again?

19 MS. PUERTA: Maria Puerta, I'm sorry.

20 It's more of a comment to kind of like
21 add to what you just mentioned, that you're
22 basically building these three one-family houses
23 on this lot just because we can. It's my
24 understanding it's what I'm getting. And you
25 mentioned that your concern is the same as mine, I

1 have three kids as well. And it feels to -- I'm
2 sorry, your name?

3 MR. PEREIRAS: Manny.

4 MS. PUERTA: And you are the?

5 MR. PEREIRAS: The architect.

6 MS. PUERTA: It feels unfair to the
7 architect and you want to maximize the use of the
8 land because it's your job, one you have passion
9 for. However, I'm a parent, I have kids, they're
10 my passion. And it would be very unfortunate that
11 we have an accident and one of them goes bye-bye
12 because we're trying to please somebody who wants
13 to build three three-family houses or properties
14 in this one lot just because we can.

15 So I think to me that the life of our
16 kids in town is more valuable than that. I just
17 wanted to add that. Thank you.

18 CHAIRPERSON GRULLON: Thank you, Ms.
19 Puerta. Any other member of the public?

20 MS. PAGAN: Good evening. My name is
21 Ida Pagan, this is not my case again, but I've
22 been sitting there for awhile listening. And I
23 think it comes down to just this is just about
24 agreed and money. It's here to sell three
25 one-family houses, then sell two and you make a

1 lot of money with the market the way it is right
2 now, okay. So I agree with her, she likes to
3 defend her neighborhood, okay. It's not my
4 neighborhood I don't live around there, but I
5 agree with her. I mean even if her house is all
6 the way to the fence, we all know that some of
7 those property lines were drawn before, you know,
8 when the house were already build. My own house
9 is -- the neighbor's house is already on my
10 property because when they draw the property
11 lines, the house was already built, okay.

12 So my opinion, my humble opinion is just
13 comes down to greed, okay. And again it's easier
14 to try to tell three one-family houses in today's
15 market and make a lot of money out of it. I don't
16 think they care too much about Union City.

17 CHAIRPERSON GRULLON: Thank you, thank
18 you. Okay. Any other member of the public?
19 Close to the public. We're going give you the
20 opportunity to speak to your client, you hear the
21 public's concerns, the Board concerns. I make a
22 motion to carry this application to the next Board
23 meeting.

24 MR. VALLEJO: To October 13th meeting.
25 Motion on the table to adjourn this application by

1 Mr. Gullon.

2 VICE CHAIRPERSON GUTIERREZ: Second.

3 MR. VALLEJO: Seconded by Ms. Gutierrez.

4 Roll call on the motion. Mr. Gullon.

5 CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Ms. Gutierrez.

7 VICE CHAIRPERSON GUTIERREZ: Yes.

8 MR. VALLEJO: Mr. Ortiz.

9 MR. ORTIZ: 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 carries. Thank you.

18 CHAIRPERSON GRULLON: To the public,
19 this application is going to be carried to the
20 next Board meeting, October 13th, no further
21 notice. This is the only notice that you will
22 receive. Ms. Pereiras, waiving time?

23 MS. PEREIRAS: We have obviously no
24 objection.

25 * * * *

1 **PANEQUE, G & C E LOVEN -**

2 **927 18th Street:**

3
4 MR. VALLEJO: Going to the next
5 application, Paneque, G and CE Loven, 927 18th
6 Street. Ms. Pereiras, please.

7 MR. MAROTTA: I'd just like to place on
8 the record that the Board has jurisdiction, I've
9 reviewed the notices and the mailings and they are
10 in order.

11 MS. PEREIRAS: Thank you very much,
12 Counsel.

13 MR. MAROTTA: Again, I'd like to thank
14 Ms. Pereiras for providing an excellent submittal.

15 MS. PEREIRAS: Thank you. Again, Bianca
16 Pereiras on behalf of the application, Ms. Clara
17 Paneque in regard to her property at 927 18th
18 Street, also known as Lots 11 and 12.01 in Block
19 95. The property is a 5,000 square foot property
20 that currently houses a four -- a three unit home,
21 it's actually a mixed use, three residential units
22 plus a daycare. The daycare has not been
23 operational for quite some time now and the
24 application before the Board this evening to
25 convert that daycare space into a residential unit

1 for a total of four residences in this property.
2 We have one expert to testify and that is our
3 architect, Mr. Manuel Pereiras.

4 MR. PEREIRAS: Manny Pereiras, I
5 recognize I am still under oath.

6 MS. PEREIRAS: Mr. Pereiras, are you
7 familiar with the property at 927 18th Street?

8 MR. PEREIRAS: I am.

9 MS. PEREIRAS: And did you prepare the
10 drawings that are before the Board this evening?

11 MR. PEREIRAS: I did.

12 MS. PEREIRAS: And would you kindly
13 describe the proposed project for the Board?

14 MR. PEREIRAS: I'd be very happy to.
15 Pretty simple project, we have an extremely
16 oversized lot, it's actually 127 feet in depth and
17 50 feet wide. So we have a huge lot, there's a
18 big garage along the rear of the property and
19 there is a -- what looks and appears from the
20 outside as a three family residential structure.
21 We're not looking to make any changes to the
22 exterior of the building.

23 Currently on the lower level of the
24 property is a daycare center. The floors above
25 are shown here on my existing conditions drawing.

1 CHAIRPERSON GRULLON: Mr. Vallejo, excuse me.

2 MR. VALLEJO: I got it here.

3 MR. PEREIRAS: I'm turning to Z02, the
4 same document that was submitted to the Board. As
5 you can see, there's an apartment on the third
6 floor, existing to remain, no changes. Apartment
7 on the second floor, existing to remain, no
8 changes. Apartment on the first floor, existing
9 to remain, no changes.

10 There is a daycare in that basement
11 level. Obviously, a daycare is a much greater
12 impact in every aspect than an apartment. We're
13 looking to remove that daycare and make a simple
14 apartment, minimizing the construction on the site
15 because we are a fourth unit, we're providing ADA
16 compliance. We have an ADA compliant condition,
17 an ADA compliant bathroom, we'll create a
18 living-dining area. And we're taking the
19 classroom that was in the back and making that
20 into a bedroom, so that we have here an apartment.

21 I think this is more in conformance in
22 the use than it was previously, obviously, less
23 impact. And we'll ask this Board to look on this
24 favorably in order to do this and the Paneque
25 family can have that unit.

1 CHAIRPERSON GRULLON: Mr. Pereiras,
2 would you go over the proposed apartment and the
3 ceiling height?

4 MR. PEREIRAS: Absolutely. As I stated
5 before, it was a daycare so it had very tall
6 ceilings. I think they're over eight feet, I'm
7 not sure how much taller, I would say probably
8 about two inches taller than eight feet, somewhere
9 around eight foot, two. The dimensions are pretty
10 gracious for a small apartment of this size. The
11 bedroom is 21 feet in length because it's the
12 entire length of the house, by 13 feet 10 inches
13 wide. And the living room dining room space is
14 16, 9 by 11, 5.

15 The entrance to the apartment is along
16 the side of the house. You enter into a small
17 foyer that's 7 foot 4 by 4 foot 10. And like
18 other applications, we're bringing this up to fire
19 code so that unit is going to be worked on, we're
20 going to provide an one hour fire safety ceiling
21 on that unit. We're going to provide a low
22 voltage system in the common areas and we're
23 providing a domestic line sprinkler system on that
24 floor.

25 CHAIRPERSON GRULLON: Mr. Pereiras, the

1 one bedroom, next to the one bedroom, what is
2 there?

3 MR. PEREIRAS: Next to the one bedroom?
4 So there's a foyer, that's the entry foyer, and
5 then there's a --

6 CHAIRPERSON GRULLON: I see a door
7 there, is that --

8 MR. PEREIRAS: It's a closet.

9 CHAIRPERSON GRULLON: That's a closet?

10 MR. PEREIRAS: Yeah. Walk-in closet,
11 W-C.

12 MR. MAROTTA: That's that.

13 CHAIRPERSON GRULLON: I mean on the left
14 side, the left corner.

15 MR. PEREIRAS: The left corner?

16 CHAIRPERSON GRULLON: Yeah, that's it.

17 MR. PEREIRAS: That's a nightstand. My
18 draftsman drew a bed and nightstand.

19 CHAIRPERSON GRULLON: That's one
20 bedroom?

21 MR. PEREIRAS: That's a big one bedroom.

22 CHAIRPERSON GRULLON: I see. It's big.

23 MR. PEREIRAS: It's huge, it's 21, 5
24 inches, the whole width of the house, by 13 feet.

25 CHAIRPERSON GRULLON: All right. I

1 think this is -- if there was a daycare there, I'm
2 sure the -- everything is in compliance with the
3 exits, egress and the ceiling height. Any members
4 of the Board have any questions? Do you have any
5 other witnesses?

6 MS. PEREIRAS: We do not, Mr. Chairman.

7 CHAIRPERSON GRULLON: At this time, I
8 want to open to the public. Any members of the
9 public want to step forward on this application?

10 Hearing none, taking into consideration
11 that there was an existing unit there as a daycare
12 and that was in compliance with all the codes and
13 they're just changing the use now, I make a motion
14 to grant this application to go from three units
15 to four units.

16 VICE CHAIRPERSON GUTIERREZ: I'll
17 second.

18 MR. VALLEJO: Motion on the table to
19 grant this application by Mr. Grullon, seconded by
20 Ms. Gutierrez. Roll call on the motion. Mr.
21 Grullon.

22 CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 VICE CHAIRPERSON GUTIERREZ: Yes.

25 MR. VALLEJO: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: Yes.

4 MR. VALLEJO: Ms. Perez.

5 MS. PEREZ: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

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

10 MS. PEREIRAS: Thank you all very much.

11 Have a good night.

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1 **EDWARD MEDINA -**

2 **728 Sip Street:**

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4 MR. VALLEJO: We move to the last one on
5 tonight's agenda, Edward Medina 728 Sip Street.
6 Mr. Alonso, please.

7 MR. ALONSO: Good evening, Mr. Chairman,
8 Al Alonso on behalf of the applicant. I've
9 provided my notice and proof of publication to
10 Counsel for jurisdictional purposes.

11 MR. MAROTTA: I find the Board has
12 jurisdiction.

13 MR. ALONSO: Thank you very much. This
14 is an application to consolidate two lots and
15 subdivide into four lots and the construction of
16 four two-family homes, one two-family home on each
17 lot. I have one witness this evening, Mr.
18 Valella, I would ask he be sworn in.

19
20 O R E S T E S V A L E L L A, after having been
21 duly sworn or affirmed, did testify as follows:

22
23 MR. VALELLA: My name is Orestes
24 Valella, V-A-L-E-L-L-A. I'm a licensed architect
25 in the State of New Jersey and New York and my

1 professional offices are at 507 43rd Street, Union
2 City, New Jersey.

3 MR. ALONSO: Thank you. Mr. Chairman,
4 Mr. Valella has been before this Board on a
5 regular basis. I would ask his qualifications be
6 accepted?

7 CHAIRPERSON GRULLON: Yes, we accept
8 your qualifications, Mr. Valella, welcome back.

9 MR. ALONSO: Thank you.

10 MR. VALELLA: Thank you.

11 MR. ALONSO: Mr. Valella, I indicated to
12 the Board that we're essentially consolidating two
13 lots in order to subdivide them into four lots and
14 construct four two-family homes?

15 MR. VALELLA: Right.

16 MR. ALONSO: So I would ask that you
17 review with the Board what are the existing
18 conditions and how do we propose to develop the
19 site?

20 MR. VALELLA: Absolutely. This is a
21 parcel on the corner of Sip Street and Summit
22 Avenue and 50 feet on Summit and 100 feet on Sip
23 on the corner. There are two existing decent, you
24 know -- two existing homes that we would like to
25 demolish and to subdivide the property to provide

1 four two-families facing Sip Street.

2 Now, a picture is worth a thousand
3 words. If you turn to V2, you can see an
4 elevation of the project, which kind of explains
5 it fairly easily. The elevation, the long one, we
6 are basically proposing three story structure with
7 parking on the ground floor and apartment number
8 one on the second and apartment number two on the
9 third.

10 And we're consolidating the access
11 points so that two of the two-families share a
12 stairwell. And then the other two share the other
13 one. Cladding brick, Sip Street has had quite a
14 bit of renovation and new construction through the
15 last 20 years and there's a lot of brick in that
16 area that we tried to be compatible with.

17 Once we subdivide the properties, we get
18 two approximately 25 by 50, although not exactly
19 because we have to provide setbacks and access to
20 the rear. So the lots would be 24.8, 24.8, 24.8,
21 and the last one would be 27.75 by 50. The
22 layouts can be seen on our sheet V1. And the
23 ground floor provides for parking garages and
24 there are four vehicles that can be parked on it.
25 It's a 20 by 40 parking garage where we can get

1 two 10 by 20 parking spaces. So you can get four
2 vehicles parked there and the access to this
3 through Sip Street.

4 MR. ALONSO: Go ahead.

5 MR. VALELLA: I'm waiting for him to
6 finish. So I'll just continue. The stair then
7 you can see the two stairs on Sip going up to the
8 second floor. And you come up to the second
9 floor, you have the first apartment of each home.
10 That is a three bedroom, 905 square foot apartment
11 with nine foot ceilings. You come into the living
12 room, you have an open kitchen and then you have
13 three bedrooms, 10 foot 6 by 9, 2, 12 by 9, 7 and
14 13 by 10. We have two bathrooms, one for the
15 master and one for the others. And we also have a
16 washer dryer closet in the unit. We have walk-in
17 closets. So it's a fairly comfortable unit with
18 windows facing Sip Street and the rear for the two
19 internals. The two perimeter ones also have
20 additional windows on the side.

21 When you continue going up the stairs,
22 you come up to the second apartment. And there
23 you can see there's a three bedroom apartment,
24 it's a little bigger because the staircases
25 disappear and you have 1,015 square feet per unit.

1 And again it's almost identical layout, where you
2 have the living room and three bedrooms, two
3 bathrooms and open kitchen and a washer dryer
4 closet in the unit.

5 Basically that shows the four dwelling
6 units. If you go to V2, then you can see here the
7 elevation along Sip Street where we would have a
8 reddish iron spot brick, with brick detailing over
9 the windows. We have roll up garage doors and
10 then the stairwells going up, and the exterior
11 elevations on Summit. All four sides of the
12 project would be clad in brick and modular iron
13 spot brick.

14 Very handsome ceilings, we have nine
15 foot ceilings and ten foot floor to floors.
16 There's a building section for your benefit, which
17 would be section A that shows you the stair going
18 up to the second floor, you enter or you can
19 continue up to the third floor apartment.

20 With regards to the zoning analysis --

21 MR. ALONSO: We're in the R zone?

22 MR. VALELLA: We're in the R zone.

23 MR. ALONSO: And two-family units are
24 permitted in the R zone; is that correct?

25 MR. VALELLA: Yes.

1 MR. ALONSO: But we do need bulk
2 variances?

3 MR. VALELLA: Yes. It's a permitted use
4 and we have bulk variances and I'll go through
5 them. The two-family would require 2,500 square
6 foot lot area. Now, we are -- we have a 5,000
7 square foot parcel available and we're subdividing
8 it, we call them lots 2601, 2602, 2603, and 2604.
9 And we just go subsequently, one has 1,204.16; two
10 has 1,204.16; three, 1,204; and the final one,
11 which is a little bigger, it's 1,387.50.

12 The minimum lot depth would be 100,
13 existing is 100, we are proposing 50 because we're
14 going perpendicular to the rectangle. So all four
15 lots would be 50. The lot width would be 25 and
16 we have 24.08, 24.08, 24.08, and 27.75. The side
17 setbacks required would be two and we have zero,
18 and three foot eight inches on Lot 4.

19 The building height is 45 feet and we're
20 proposing 29. The maximum building height is four
21 stories and we're proposing three. And the
22 parking requirement would be 16 and we are
23 proposing 16.

24 MR. ALONSO: And you say 16, that's four
25 per unit? Four per --

1 MR. VALELLA: Four per. I've given you
2 the parking in total, but each house has four
3 parking spaces. We would be doing a brand new
4 sidewalk along Sip and along Summit. And we're
5 also providing four new trees along it and
6 decorative paving on the sidewalk to match your
7 City standards.

8 So basically, you know, it's a
9 three-story row house type in red brick to
10 compliment all the new construction that's gone on
11 in the area with, you know, two-family homes.

12 MR. ALONSO: Mr. Chairman, I have no
13 further questions of Mr. Valella.

14 CHAIRPERSON GRULLON: That concludes
15 your presentation?

16 MR. VALELLA: Yes.

17 CHAIRPERSON GRULLON: Just give me -- I
18 have a question of the planner.

19 MR. ALONSO: Sure.

20 MR. VALELLA: Sure.

21 CHAIRPERSON GRULLON: Mr. Valella, rear
22 yard, are you proposing any rear yard?

23 MR. VALELLA: Yes, we're proposing a
24 four foot rear yard.

25 CHAIRPERSON GRULLON: What is the

1 requirement?

2 MR. VALELLA: The rear yard requirement
3 is five.

4 CHAIRPERSON GRULLON: Is it five or
5 twenty?

6 MR. VALELLA: I have five on my table,
7 but that doesn't seem correct. David?

8 MR. SPATZ: The zoning table used is the
9 old zoning standards, the 2021 ordinance, it
10 changed the rear yard to twenty feet versus the
11 five that it used to be. A number of the
12 standards -- one the comments I made was that the
13 zoning table needed to be updated to the current
14 standards.

15 MR. VALELLA: So it is twenty.

16 MR. ALONSO: Was this filed in 2021?

17 MR. SPATZ: I don't know.

18 MR. ALONSO: You can continue, I'll look
19 at this.

20 CHAIRPERSON GRULLON: I would like to
21 take a two minute recess where we can have a
22 side-bar with Mr. Alonso because I have a question
23 for Mr. Alonso I would like to do in a side-bar.

24 MR. ALONSO: Sure.

25 CHAIRPERSON GRULLON: Want to go for two

1 minute recess.

2 MR. VALLEJO: Five minute break?

3 CHAIRPERSON GRULLON: Two minute break.

4 MR. VALLEJO: All right.

5

6 (Whereupon a short recess was taken.)

7

8 MR. VALLEJO: Back on record, please.

9 Thank you.

10 MR. ALONSO: Mr. Chairman, I had an
11 opportunity to review this with my client. We're
12 going to ask this matter be carried and it will
13 probably come back most likely come back with
14 revised plans with a subdivision two lots and two
15 two-family. We're going to take a look at that.

16 CHAIRPERSON GRULLON: If you're revising
17 the plans, you have to re-notice?

18 MR. ALONSO: That's fine, we'll
19 re-notice.

20 CHAIRPERSON GRULLON: Just to say to the
21 public, the application that you're proposing --

22 MR. MAROTTA: If you come back and
23 you're compliant, then you don't --

24 MR. ALONSO: What I'll do is we'll
25 maintain the application with no new date because

1 Mr. Valella needs to do the plans. We'll file
2 with Mr. Vallejo, he'll give us a new date. Once
3 we have the new date, we'll send new notices.

4 CHAIRPERSON GRULLON: No problem.

5 MR. VALELLA: Thank you.

6 MR. ALONSO: Thank you.

7 MR. VALLEJO: It will be the last
8 application, all right?

9 CHAIRPERSON GRULLON: We're going to
10 carry this to the next Board meeting. They're
11 again to revise the plan and they're going to
12 re-notice the residents.

13 MS. PAGAN: So we don't have a date for
14 that?

15 CHAIRPERSON GRULLON: October 13.

16 MR. VALLEJO: October 13th.

17 MR. MAROTTA: They're going to revise
18 the plans.

19 MR. VALLEJO: He's going give a new
20 notice, there will be notifications.

21 CHAIRPERSON GRULLON: Mr. Alonso, can
22 you please have the courtesy to disclose with the
23 neighbors?

24 MR. ALONSO: I'll speak to them outside.

25 CHAIRPERSON GRULLON: Thank you.

1 MR. VALLEJO: Carry it for when?

2 CHAIRPERSON GRULLON: For now to
3 October 13th.

4 MR. PANEQUE: If I may interject here as
5 the attorney for the Board, Mr. Alonso, why are we
6 even carrying this? It's just a full withdrawal
7 and you're going to submit new plans with new
8 notices. So why carry this one? This one has no
9 impact on what you're going to be --

10 MR. ALONSO: Trying to save my client
11 some filing fees.

12 MR. PANEQUE: Okay.

13 MS. PAGAN: Can I say something?

14 CHAIRPERSON GRULLON: Yes.

15 MS. PAGAN: I went to check those site
16 plans and those plans in city hall, okay. Thank
17 you, for the office, they let me see the plans and
18 everything. I mean they broke all the rules, they
19 don't have the room for the back, they don't have
20 the room for the neighbors.

21 MR. MAROTTA: Miss Pagan, I'm going to
22 interject that they're basically withdrawing their
23 application.

24 MS. PAGAN: Yeah, but he's going for
25 two-family house, it's a tough fit.

1 MR. MAROTTA: But actually it may be
2 okay based, upon the ordinance. It depends on
3 what they come back with. We don't know what
4 that's going to be. But they're -- I believe
5 they're going to withdraw what they have submitted
6 tonight and they're going to re- notice the next
7 meeting.

8 MS. PAGAN: I'll ask is there anyway
9 that this you can bring the case back in November
10 instead of October?

11 MR. VALELLA: It's --

12 MS. PAGAN: I'm going to be away.

13 MR. MAROTTA: It's more likely that
14 that's the case because the architect has to --
15 needs time.

16 MR. VALELLA: It's probably going to be
17 November, 90 percent.

18 MR. MAROTTA: Can we go ahead and say
19 it's on for November?

20 MR. VALLEJO: Carry to November?

21 MR. VALELLA: What day?

22 CHAIRPERSON GRULLON: One more member of
23 the public.

24 MR. GARCIA: Can I, Mr. Paneque, and
25 recommend you, Mr. Alonso, to re-advise the

1 neighborhood to have a meeting and present the
2 application?

3 MR. ALONSO: I'll talk --

4 MR. GARCIA: Just a recommendation.

5 MR. ALONSO: I'll speak to the public
6 outside.

7 MR. VALLEJO: We're going to carry this
8 application for November 10th, new notice
9 required. That's it. Can I have a motion?

10 MR. PANEQUE: With fees to be carried
11 over from this application to the other.

12 MR. VALLEJO: Yes.

13 MR. ALONSO: Thank you.

14 MR. VALLEJO: Motion by Mr. Grullon,
15 seconded by Ms. Gutierrez. Roll call on the
16 motion. Mr. Grullon.

17 CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 VICE CHAIRPERSON GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

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: Yes.

3 MR. VALLEJO: Six in favor, motion
4 carries to November 10th, new notice required.

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ADJOURNMENT:

MR. VALLEJO: Seeing no other applications on tonight's agenda, can we have a motion to close tonight's meeting?

MR. ORTIZ: Motion.

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: Motion by Mr. Ortiz, seconded by Ms. Gutierrez. All in favor?

(All Board Members indicate in the affirmative.)

MR. VALLEJO: Thank you. The ayes have it. Have a good night. Let the record indicate that the meeting has ended.

(Whereupon the meeting was adjourned at 9:04 p.m.)

C E R T I F I C A T E

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

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700