

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, OCTOBER 13, 2022
Commencing at 6:09 p.m.

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

VICTOR M. GRULLON, Chairperson
MARGARITA GUTIERREZ, Vice Chairperson
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:

MIGUEL ORTIZ
LIBERO MAROTTA
RAYMOND CETINICH, Alternate #3

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

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Board Counsel

NEIL MAROTTA, ESQ.
Conflict Counsel for the Board

CARLOS VALLEJO, Board Secretary

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BIANCA PEREIRAS, ESQ.
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BIANCA PEREIRAS, ESQ.
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BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Sheila Balasa &
Janice Treubig

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Kelsey Adamy &
Paul Chang

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Geoffrey Williams

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Medna Builders, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, German Monsalve
& Miryam Jaramillo

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Micelle Needham

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I N D E X

Julio Moncayo
1109 New York Avenue

WITNESSPAGE

ORESTES VALELLA

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I N D E X

Joseph Shannawi
602 11th Street

WITNESS

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ORESTES VALELLA

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JOSEPH SHANNAWI

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I N D E X

Sheila Balasa & Janice Treubig
1105 New York Avenue

WITNESSPAGE

CAROLINE GRIECO

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Kelsey Adamy & Paul Chang
512 Monastery Place

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MANUEL PEREIRAS

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I N D E X

Geoffrey Williams
321 5th Street

WITNESS

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MANUEL PEREIRAS

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NO EXHIBITS MARKED

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Medna Builders, LLC
406 Bergenline Avenue

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MANUEL PEREIRAS

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German Monsalve & Miryam Jaramillo
306 A 40th Street

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MANUEL PEREIRAS

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I N D E X

Micelle Needham
505 Palisade Avenue

WITNESS

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MANUEL PEREIRAS

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EXHIBITS

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

3 Please take notice that on Thursday,
4 October 13, 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: 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 time.

Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Mr. Cetinich is absent.

We have five present, we have a quorum for
tonight's hearing. Mr. Paneque, please.

* * * *

SWEARING IN OF VARIOUS MEMBERS:

MR. PANEQUE: Thank you. Before we proceed with opening up the floor to the applicants, we have to take care of an administrative matter, which is to swear in the members who have been reappointed. Those members are Margarita Gutierrez, Ms. Geraldine Perez, Ms. Mindry Watley, Ms. Rosio Pena.

If I could please have you stand. Let's start with Ms. Gutierrez, if you could approach.

Please repeat after me.

VICE CHAIRPERSON GUTIERREZ: I, Margarita Gutierrez, solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the governments established in the United States, and in this state, under the authority of the people; and that I will faithfully, impartially, and justly perform all of the duties of the office according to the best of my ability, so help me God.

MR. PANEQUE: Congratulations. The next is Ms. Perez.

1 MS. PEREZ: I, Geraldine Perez, solemnly
2 swear or affirm that I will support the
3 Constitution of the United States, and the
4 Constitution of the State of New Jersey; that I
5 will bear true faith and allegiance to the same,
6 and to the government established in the United
7 States and in this state, under the authority of
8 the people; and that I will faithfully,
9 impartially, and justly perform all of the duties
10 of the office according to the best of my ability,
11 so help me God.

12 MR. PANEQUE: Congratulations. Ms.
13 Watley.

14 MS. WATLEY: I, Mindry Watley, solemnly
15 swear or affirm that I will support the
16 Constitution of the United States and the
17 Constitution of the State of New Jersey; that I
18 will bear true faith and allegiance to the same,
19 and to the governments established in the United
20 States and in this state, under the authority of
21 the people; and that I will faithfully,
22 impartially, and justly perform all of the duties
23 of the office according to the best of my ability,
24 so help me God.

25 MR. PANEQUE: Congratulations. Last,

1 but not least, Ms. Pena.

2 MS. PENA: I, Rosio Pena, solemnly swear
3 or affirm that I will support the Constitution of
4 the United States, and the Constitution of the
5 State of New Jersey; that I will bear true faith
6 and faith to the same and to the governments
7 established in the United States, and in this
8 state, under the authority of the people; and that
9 I will faithfully, impartially, and justly perform
10 all of the duties of the office according to the
11 best of my ability, so help me God.

12 MR. PANEQUE: Congratulations to the
13 four reappointed members of the Board.

14 VICE CHAIRPERSON GUTIERREZ: Thank you.

15 MR. VALLEJO: Congratulations.

16 * * * *

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ADOPTION OF MINUTES:

MR. VALLEJO: We're moving to the agenda. Approval of previous meeting minutes of September 8, 2022. Can I have a motion?

CHAIRPERSON GRULLON: I make the 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: 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 **JULIO MONCAYO -**

2 **1109 NEW YORK AVENUE:**

3
4 MR. VALLEJO: We're moving to the first
5 hearing on tonight's agenda, Julio Moncayo 1109
6 New York Avenue. Mr. Alonso, please.

7 MR. PANEQUE: Two minute break.

8
9 (Whereupon a short recess was taken.)

10
11 MR. PANEQUE: Mr. Vallejo.

12 MR. VALLEJO: All right. May I have
13 your attention, please? We're going to move on
14 with the application of Julio Moncayo, 1109 New
15 York Avenue. Mr. Alonso, please.

16 MR. ALONSO: Thank you.

17 MR. PANEQUE: Mr. Alonso, before you
18 proceed, ladies and gentlemen of the Board, I'm
19 going to recuse myself on this application as the
20 applicant has been a past client of my office. We
21 have Mr. Marotta here, who's going to substitute
22 in.

23 MR. ALONSO: Thank you.

24 MR. SPATZ: Also, Mr. Moncayo, is now a
25 client of mine. He wasn't when I did my review,

1 but he is now. So I'm going to step aside as
2 well.

3 MR. ALONSO: He's a client of mine, too.

4 MR. MAROTTA: Just on that, if we do
5 need planning advice, then we would have to carry
6 it, but let's see how we do.

7 MR. ALONSO: Correct. Thank you,
8 members of the Board. For the record, Al Alonso
9 on behalf of Mr. Moncayo. I did present my
10 notices to Mr. Marotta, which he has reviewed. I
11 have provided Mr. Vallejo with the originals for
12 the Board's file.

13 MR. MAROTTA: And the Board does have
14 jurisdiction for this evening.

15 MR. ALONSO: Thank you.

16 CHAIRPERSON GRULLON: You may proceed.

17 MR. ALONSO: My client purchased this
18 property around 2003. At the time they purchased
19 it, there was two structures, one in the front and
20 one in the rear. He believed he was purchasing a
21 three-family home, he was actually represented by
22 Mr. Paneque, that's why he's recused himself.

23 At the time he purchased it, there was
24 no objections by the building department as to the
25 three-family. After he closed on the purchase,

1 they indicated to him that it was two-family and
2 the unit in the rear was not legal. It has been
3 used since 2003 as a three-family and we're just
4 seeking to legalize that now. I have one witness
5 this evening, Mr. Valella, I ask for him to be
6 sworn in.

7
8 O R E S T E S V A L E L L A, after having been
9 duly sworn or affirmed, did testify as follows:

10
11 MR. VALELLA: Good evening. My name is
12 Orestes, O-R-E-S-T-E-S, Valella, V-A-L-E-L-L-A,
13 and my professional offices are at 507 43rd Street
14 here in Union City.

15 CHAIRPERSON GRULLON: Mr. Valella, we do
16 accept your qualifications, you've been in front
17 of this Board on many occasions. Thank you.

18 MR. VALELLA: Thank you.

19 MR. ALONSO: Mr. Valella, I indicated to
20 the Board that our client purchased the property
21 believing it was a three-family, it turns out it's
22 a two-family. I'm going to ask you to review with
23 the Board what are the existing conditions in both
24 of the structures and how it is that we're
25 proposing to legalize the third unit?

1 MR. VALELLA: Yes, absolutely. What our
2 client is wishing to do is, with your consent, to
3 make this a legal three. There is an existing
4 two-story house in the front and then in the back
5 where the garage is, there's a two-story -- must
6 have been an addition at some point, and that he
7 wants to consolidate into the third unit.

8 Basically, the upfront structure is a
9 one-family, where the basement and the first floor
10 are used as one dwelling unit. And the second
11 floor is the second apartment. And then in the
12 rear, there are what I think is two units, one in
13 the ground and one in the second floor. And
14 that's being consolidated into one apartment. So
15 we would have one, two, and three when all is said
16 and done.

17 The proposal is on our sheet, apartment
18 number three, the ground floor would have the
19 kitchen, a bathroom, and the stairs, internal new
20 stairs that would lead you then to three bedrooms
21 on the second floor and a second bathroom. The
22 apartment, when completed, would be 707 square
23 feet. And that is a duplex, we're putting the new
24 stair and then that would be a three bedroom
25 apartment, 707 square feet. The garage remains,

1 it's not being touched. There is nothing here
2 that we're doing to the building to make it any
3 bigger or smaller or taller or shorter. This is
4 all existing conditions. We'd like to consolidate
5 the two apartments in the rear and turn that into
6 one apartment, that would make it a three-unit
7 house.

8 That's the extent of it, you know,
9 taking the second floor -- the ground floor and
10 the second floor in the rear, eliminate --
11 renovating all that and turning that into one
12 apartment.

13 MR. ALONSO: And can you review the
14 zoning table as to the existing conditions?

15 MR. VALELLA: Sure, absolutely. This is
16 in the CN neighborhood commercial where
17 2,500 square feet is required and we have a little
18 bit over, we have 2,535. The lot width
19 requirement is 25, we have 31.74. The lot depth
20 requirement is 100, we have 78. The front yard,
21 there is no requirement and we have zero. The
22 side yard is zero and 5 feet, if provided. In the
23 front, we have 9, in the back we have zero. The
24 rear yard is required as 20, we have zero. The
25 building coverage is 80 percent, we're at 67. Lot

1 coverage is 100 percent, and we're at 100 percent.
2 The maximum permitted number of stories is four
3 and we're at two. The maximum height is 45 and
4 we're at 30. But parking for the three apartments
5 would be six and we have capacity for four. We
6 have a garage and the driveway where we can also,
7 in tandem, park vehicles.

8 So, you know, this is an exception.
9 This is a property that does have parking
10 capacity. And our client is trying to do the
11 right thing here and bring it -- you know, repair
12 and fix the issues in the rear and turn it into a
13 code compliant dwelling unit.

14 CHAIRPERSON GRULLON: Thank you, Mr.
15 Valella. Does that conclude your testimony, Mr.
16 Valella?

17 MR. VALELLA: Yes, yes, thank you.

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

20 MR. VALELLA: I have no other witnesses.
21 My client was supposed to come a little later
22 because of the conflict of interest, but then Mr.
23 Marotta was available so we're here. So my client
24 is not here.

25 MR. MAROTTA: I appreciate that.

1 CHAIRPERSON GRULLON: Mr. Valella. Are
2 you proposing -- you're going to be doing
3 renovation inside the building?

4 MR. VALELLA: Yes, the apartment in the
5 rear, both floors are going to be gutted basically
6 and renovated and brought up to code, internal
7 stair, the whole thing.

8 CHAIRPERSON GRULLON: Is the building in
9 any way being expanded, like height?

10 MR. VALELLA: No, no, it's all within
11 the existing.

12 CHAIRPERSON GRULLON: Within the
13 existing. What about the studio, are you
14 proposing to change the facade?

15 MR. VALELLA: No, it's a nice brick
16 facade in the front and that's going to remain. I
17 assume we're going to have to redo the siding in
18 the rear when we renovate, but very minimal.

19 CHAIRPERSON GRULLON: And could you, you
20 know, point where you have the parking spaces
21 here?

22 MR. VALELLA: Sure, we have it in the
23 site plan. If you could see there's a long
24 driveway where we have capacity for two vehicles
25 and we have a garage where we can also park.

1 CHAIRPERSON GRULLON: Can I see that?

2 MR. VALELLA: Sure. This is the
3 driveway.

4 CHAIRPERSON GRULLON: I see.

5 MR. VALELLA: This is the garage. We
6 have capacity for two and two.

7 CHAIRPERSON GRULLON: Two inside the
8 garage.

9 MR. VALELLA: And two outside. It's in
10 tandem. I don't want to mislead the Board, it's
11 not that you can move in and out.

12 CHAIRPERSON GRULLON: How many bedrooms
13 each unit?

14 MR. VALELLA: Okay. The proposed
15 dwelling unit is three; and the existing dwelling
16 unit on the second floor is one, two, three; and
17 the existing unit on the ground floor is three as
18 well. So all three would be three bedrooms.

19 CHAIRPERSON GRULLON: What we're looking
20 here is to legalize one unit, you say it's an
21 existing condition?

22 MR. ALONSO: Correct. The existing was
23 there. Based on the condition, my client tells me
24 that it was there well before 2003 when he
25 purchased it.

1 CHAIRPERSON GRULLON: He purchased in
2 2003?

3 MR. ALONSO: Correct.

4 CHAIRPERSON GRULLON: Your client?

5 MR. ALONSO: Correct.

6 CHAIRPERSON GRULLON: And, Mr. Valella,
7 when you visited the site, were you able to, you
8 know, like see the appliances there?

9 MR. VALELLA: Yeah, no, it's --

10 CHAIRPERSON GRULLON: Anything made
11 after 2003?

12 MR. VALELLA: No, this has been there
13 for awhile.

14 CHAIRPERSON GRULLON: I don't have
15 anymore questions. Any members of the Board have
16 any questions? Hearing none, they don't have
17 anymore witnesses?

18 MR. MAROTTA: Just if you could just
19 opine a little bit on the criteria, I understand
20 nothing is changing?

21 MR. VALELLA: No.

22 MR. MAROTTA: Okay.

23 MR. VALELLA: Well, no, nothing is
24 changing from a bulk standpoint. What is -- we're
25 trying to repair and bring up to date one dwelling

1 unit.

2 MR. MAROTTA: So actually it was a
3 four-family and now you're making it a three?

4 MR. VALELLA: Right, it looks to have
5 been a four, used as a four and we're downsizing
6 to a three.

7 MR. MAROTTA: So there's less of an
8 impact?

9 MR. VALELLA: Less density, there would
10 be less people living there if you approve this
11 than there were currently.

12 CHAIRPERSON GRULLON: One of the
13 structure was two units and you're going to be
14 converting that to one?

15 MR. VALELLA: To one.

16 MR. MAROTTA: One question I have is Mr.
17 Spatz's report says there's two bedrooms?

18 MR. VALELLA: Yeah, there's a two -- no,
19 no. We're proposing three, we're proposing three
20 bedrooms on the second floor.

21 Yeah, on the second floor. On the rear,
22 on the second floor, there's an existing two, but
23 that's being consolidated -- that's the unit
24 that's being eliminated.

25 MR. MAROTTA: Okay. And consolidated

1 with the one below it?

2 MR. VALELLA: Exactly.

3 MS. PEREZ: In the rear unit, there were
4 two apartments?

5 MR. VALELLA: Yes, it seems to be a one
6 bedroom and a two bedroom. And, you know, it's
7 undersized, so we strongly recommended to
8 eliminate it and consolidate it. So the ground
9 floor becomes the living room and the second floor
10 becomes the bedrooms.

11 CHAIRPERSON GRULLON: Any other
12 questions from the Board? Hearing none, at this
13 time, I want to open it to the public. Any member
14 of the public want to step forward? Seeing none,
15 close to the public.

16 Taking in consideration that this is
17 going to bring the building up to code and it's
18 going to make the condition, the living condition
19 of the building better due to the existing
20 conditions, I make a motion to grant this
21 application.

22 MR. VALLEJO: Motion on the table to
23 grant the application by Mr. Grullon.

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

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: 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: Five in favor, motion
13 carries.

14 MR. ALONSO: Thank you very much. Have
15 a good evening. Thank you, Neil, for running down
16 here.

17 MR. MAROTTA: You got it.

18 * * * *

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1 **JOSEPH SHANNAWI -**

2 **602 11TH STREET:**

3
4 MR. VALLEJO: Next application is Joseph
5 Shannawi, 602 11th Street. Mr. Lopez, please.

6 MR. PANEQUE: Thank you, sir.

7 Let the record reflect as follows:

8 I've been provided by Mr. Lopez with an
9 affidavit of service indicating that notice of
10 tonight's hearing with respect to the property at
11 602 11th Street was provided to all property
12 owners within the 200 foot radius of said
13 property. Said affidavit is signed by Mr. Lopez,
14 notarized by Anna Noris from his office.

15 I've also been provided with an
16 affidavit from The Jersey Journal indicating that
17 notice of tonight's hearing with respect to the
18 property at 602 11th Street was published in The
19 Jersey Journal on the 15th of September, 2022.

20 I've also been provided with a copy of
21 the notice that was sent out to all property
22 owners as well as a list of all property owners
23 done by the Union City tax assessor with a date of
24 July 18th. Said list lists all property owners
25 within the 200 foot radius of 602 11th Street.

1 I've also been provided with the
2 certified mail receipts for the property owners
3 that were served.

4 Based on the documents that have been
5 provided by Mr. Lopez, this Board has jurisdiction
6 to proceed and hear this matter.

7 MR. LOPEZ: Thank you so much, Mr.
8 Paneque.

9 Mr. Chairman, members of the Board, good
10 evening, I am here on behalf of my client, Joseph
11 Shannawi, who's sitting here in the front row.
12 Mr. Shannawi is a resident of Union City, living
13 on this property. The property was just purchased
14 in March of this year with the intent of
15 renovating what he thought was a second apartment
16 on the second floor. It turned out that the
17 building department has this registered as a
18 one-family house. He's looking to bring it to a
19 two-family house. As you'll hear from the
20 testimony, everything will be simplified, less
21 bedrooms --

22 MR. VALLEJO: Mr. Lopez, allow me two
23 seconds, please.

24

25 (Whereupon a short recess was taken.)

1

2

MR. VALLEJO: Thank you, back on record.

3

MR. PANEQUE: Thank you.

4

5

MR. LOPEZ: That's okay. As you'll hear from the testimony, the house will be simplified,

6

many bedrooms will be removed. And you'll also

7

hear that it's fully compliant other than the

8

parking requirements. And my expert is Mr.

9

Valella who just testified in the prior case.

10

For the record, obviously he was sworn

11

and accepted as a witness for the prior case, Mr.

12

Valella, please -- he's still under oath.

13

14

O R E S T E S V A L E L L A, previously sworn:

15

16

MR. LOPEZ: Are you familiar with the

17

plans that are before the Board this evening?

18

MR. VALELLA: Yes, I am.

19

MR. LOPEZ: Were they prepared by your

20

office?

21

MR. VALELLA: Yes, they were.

22

MR. LOPEZ: Could you describe first the

23

current conditions on the property?

24

MR. VALELLA: Sure, I'd be happy to.

25

Counsel did a very good job of explaining this.

1 This is a very nice house, you can see a picture.
2 It's very typical for Union City and Hudson County
3 in general. It's two-story, it's got an open
4 basement, you know, an unfinished basement -- not
5 an apartment. And then it has a dwelling unit on
6 the first and second floors. The number -- and
7 counsel mentioned a very important point. There
8 are three -- two bedrooms on the first floor and
9 there are three bedrooms on the second floor,
10 which really, if you add it up, is going to be
11 more bedrooms than what we are proposing as a
12 two-family home.

13 You have one, two, three, four, five --
14 actually you have six bedrooms existing. And then
15 what we'd like to do is the first floor would be
16 apartment number one, which would be a two-bedroom
17 and the living room and the kitchen for a 637
18 square foot apartment. And then on the second
19 floor, it would be a two-bedroom apartment with
20 the kitchen and the bathroom. So if you add it
21 up, it's four bedrooms versus six bedrooms
22 originally.

23 MR. LOPEZ: Mr. Valella, let me call
24 your attention to something which you and I
25 discussed prior to the hearing and we had decided

1 to leave it, showing the existing condition. But
2 on the second floor, where the proposed work is to
3 be done and we are looking to legalize, what is
4 shown on the left next to the large bedroom,
5 that's really intended to be used as an office by
6 the client, right, so there's no closet?

7 MR. VALELLA: Yeah.

8 MR. LOPEZ: And it's a very, very small
9 room?

10 MR. VALELLA: Yeah, it's a 7 by 10, I
11 called it a bedroom because it's always safer to
12 err on the side of caution they may use it as a
13 bedroom, although counsel is correct, there is no
14 closet there. But it's 7 by 10, which is legally
15 acceptable to be a bedroom. So it's prudent to
16 consider it as a bedroom, although it may not be
17 used as one.

18 But even with that, I like to bring to
19 your attention that the density is going to be
20 less. This is -- even with the non-bedroom
21 bedroom, we are proposing a structure with four
22 bedrooms where six exist. We're really downsizing
23 on the density on the property. Like the previous
24 application, all the work here is being done
25 inside, we're not making this building any bigger

1 or any smaller. So the work is internal. And
2 actually there's very little work to be done. The
3 only thing we're really doing is renovating the
4 layout of the second floor, eliminating a bedroom
5 and --

6 MR. LOPEZ: Eliminating two bedrooms?

7 MR. VALELLA: Eliminating two bedrooms
8 in the back and then just having a large living
9 room and the kitchen and renovating the bathroom.
10 But very minor work. I see it as a one-family,
11 but I can't imagine that in it's original
12 inception that it wasn't a two, that got brought
13 to a one that now wants to go back to two. I
14 can't testify to it, but it's very typical of a
15 two-family layout.

16 MR. LOPEZ: Mr. Valella, is it fair to
17 say that as far as the zoning chart, I'm not going
18 to make you go through the whole thing, but it
19 complies with every single requirement other than
20 parking?

21 MR. VALELLA: Yes, there is -- let me
22 just go through a little bit.

23 MR. LOPEZ: Fair enough.

24 MR. VALELLA: It's in the R low density
25 residential zone where 2,500 is required, 2,500 we

1 have, 25, 25, 100, even the front yard 10 feet,
2 you have 12, one. You have 3.1 and zero for side
3 yard, so it all meets the zoning, with the
4 exception of parking. And the reason for that is
5 when these houses were built, nobody had a car.
6 So there is no garage or parking opportunity here.

7 But whatever zoning impact this would
8 have has -- it's had it for decades. There is
9 nothing here that -- we're not aggravating, in
10 fact we're lowering the number of people who can
11 potentially live here.

12 MR. LOPEZ: That's all I have as to Mr.
13 Valella. I will call my client very briefly
14 though.

15 CHAIRPERSON GRULLON: Thank you, Mr.
16 Lopez. Thank you, Mr. Valella.

17 Mr. Valella, I know the proposed
18 application is to legalize the second floor unit,
19 did you get an opportunity to visit the basement?

20 MR. VALELLA: Yes, there is no kitchen,
21 there's no bathroom, it's an unfinished space.

22 CHAIRPERSON GRULLON: Unfinished
23 basement, because according to the plans it's part
24 of the above apartment?

25 MR. VALELLA: Part of apartment one

1 because it has the stair that leads down, but if
2 you look at the floor plan, the only thing there
3 are the laundry machines and the two boilers and
4 two hot water heaters.

5 CHAIRPERSON GRULLON: That's not
6 considered to be a living space?

7 MR. VALELLA: No.

8 MR. LOPEZ: No.

9 MR. VALELLA: Existing open space.

10 CHAIRPERSON GRULLON: I would like to
11 get that modified on the -- you know, on revised
12 plans --

13 MR. LOPEZ: To clarify that it --

14 CHAIRPERSON GRULLON: To clarify that
15 it's not a living space.

16 MR. LOPEZ: Absolutely.

17 MR. VALELLA: Not a problem.

18 MR. LOPEZ: Mr. Chairman, can we do that
19 after the meeting as a submission?

20 CHAIRPERSON GRULLON: Yes. Let me just
21 go through everybody and see if anyone has any
22 other questions of anything. And, again, you're
23 not proposing to change the footprint of the
24 building?

25 MR. VALELLA: No.

1 CHAIRPERSON GRULLON: The rear yard is
2 going to remain the same?

3 MR. VALELLA: It's all the same.

4 CHAIRPERSON GRULLON: And are you doing
5 anything else to bring those -- you know,
6 construction inside to bring it up to code?

7 MR. VALELLA: Yes. Everything -- the
8 building department is actually very diligent. So
9 I am pretty certain we're going to have to do new
10 wiring, new fire rating, separations between
11 dwelling units for fire rating, smoke detectors,
12 carbon. Your guys are really good at that.

13 CHAIRPERSON GRULLON: I'm very glad to
14 hear it, the whole package.

15 MR. VALELLA: Too good sometimes.

16 CHAIRPERSON GRULLON: Thank you.

17 Anything on the outside, are you
18 changing the siding or anything?

19 MR. VALELLA: No, the appearance doesn't
20 need modification.

21 CHAIRPERSON GRULLON: I think I'm okay
22 with that. Any members of the Board have any
23 questions? Hearing none from the Board, do you
24 have any other witness?

25 MR. LOPEZ: Just the property owner.

1 CHAIRPERSON GRULLON: Okay. If you want
2 to bring him.

3 MR. LOPEZ: Mr. Shannawi.

4

5 J O S E P H S H A N N A W I, after having been
6 duly sworn or affirmed, did testify as follows:

7

8 MR. SHANNAWI: I'm Joseph Shannawi, it's
9 J-O-S-E-P-H, last name is S-H-A-N-N-A-W-I.

10 MR. LOPEZ: And, Joseph, I told the
11 Board that you bought this property in March of
12 this year; is that correct?

13 MR. SHANNAWI: That's correct, yes.

14 MR. LOPEZ: When you bought it, you
15 thought you were buying a two-family house?

16 MR. SHANNAWI: Yes, it was listed as
17 such.

18 MR. LOPEZ: And currently where do you
19 live?

20 MR. SHANNAWI: I live at the bottom --
21 the first floor of the house.

22 MR. LOPEZ: And if this project is
23 approved and you renovate the second floor, you
24 intend to occupy that as the space -- as your
25 home, right?

1 MR. SHANNAWI: That's my intention, yes.

2 MR. LOPEZ: AND we were discussing a
3 small, it's marked as a bedroom because that's how
4 they were using it when you purchased it, but
5 right next to the main bedroom, there's a small
6 space. What is your intent for use in that space?

7 MR. SHANNAWI: That's a home office for
8 when I work from home, sometimes.

9 MR. LOPEZ: Okay. And it's a really
10 small room, correct?

11 MR. SHANNAWI: It's quite small, yes.

12 MR. LOPEZ: Okay. That's it, I just
13 wanted to let the Board know that he lives there
14 and how he intends to use the second floor, if you
15 approve it.

16 CHAIRPERSON GRULLON: Right now, you
17 live on the first floor?

18 MR. SHANNAWI: Yes.

19 CHAIRPERSON GRULLON: And if this is
20 approved, you're going to move to the second
21 floor?

22 MR. SHANNAWI: Yes.

23 CHAIRPERSON GRULLON: And rent the
24 bottom unit?

25 MR. SHANNAWI: Correct.

1 CHAIRPERSON GRULLON: Okay. That's
2 fine.

3 MR. LOPEZ: That's all.

4 CHAIRPERSON GRULLON: Thank you.
5 Anything else?

6 MR. LOPEZ: Nothing else, Mr. Chairman.

7 CHAIRPERSON GRULLON: At this time, I
8 want to open to the public. Any member of the
9 public want to step forward on this application?
10 Hearing none, taking into consideration
11 these are existing conditions and it's going to --
12 we're going to have the opportunity to bring the
13 building up to code by renewing all the safety
14 elements of the building, I make a motion to grant
15 this application.

16 MR. VALLEJO: Motion on the table to
17 grant the application by Mr. Grullon. Any second
18 on the motion?

19 VICE CHAIRPERSON GUTIERREZ: Second.

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

22 CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 VICE CHAIRPERSON GUTIERREZ: Yes.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

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

8 MR. LOPEZ: Thank you all so much, have
9 a good night.

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1 **314 37TH, LLC -**

2 **314 37TH STREET:**

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4 MR. PANEQUE: The next -- three, four,
5 and five are going to be adjourned. You want to
6 call one individually? They belong to Ms.
7 Pereiras, right?

8 MR. VALLEJO: Right. Next application
9 on tonight's agenda 314 37th, LLC, 314 37th
10 Street. Ms. Pereiras, please.

11 MS. PEREIRAS: Thank you.

12 Good evening, board members, Bianca
13 Pereiras on behalf of 314 37th Street, LLC.

14 MR. PANEQUE: Ms. Pereiras, you have an
15 application with respect to this matter?

16 MS. PEREIRAS: We have an application.
17 We are in the process of revising drawings for the
18 Board, this is the one that came to our attention
19 that there were three illegal units. So we are
20 revising drawings to bring it back in front of the
21 Board. We will be renoticing and republishing for
22 this application.

23 MR. PANEQUE: Okay. So this matter is
24 going to be adjourned until the next meeting. Is
25 that going to be for the next meeting?

1 MS. PEREIRAS: We can make that for the
2 next meeting.

3 MR. PANEQUE: Okay.

4 CHAIRPERSON GRULLON: You will renotice?

5 MS. PEREIRAS: We will renotice and
6 republish?

7 MR. PANEQUE: Is there a motion to
8 adjourn.

9 CHAIRPERSON GRULLON: Motion to adjourn
10 by Mr. Grullon.

11 VICE CHAIRPERSON GUTIERREZ: Second.

12 MR. VALLEJO: Seconded by Ms. Gutierrez.
13 Roll call on the motion to adjourn this
14 application to November 10, 2022. We don't have
15 exact location for the next hearing, it's not
16 going to be here. They have some activity here in
17 the high school.

18 MS. PEREIRAS: Understood.

19 MR. VALLEJO: I will let you know by
20 tomorrow.

21 MS. PEREIRAS: Okay.

22 MR. VALLEJO: Roll call on the motion to
23 adjourn this application. Mr. Grullon.

24 CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 VICE CHAIRPERSON GUTIERREZ: 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: Five in favor, motion
9 carries.

10 MR. PANEQUE: Any member of the public
11 who's here for 314 37th Street, that application
12 will not be heard tonight, it's going to be
13 carried to the next meeting on November 10th,
14 notices will be going out as the venue or location
15 for the application to be heard will not be at
16 this location. You will receive notices for the
17 new venue.

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1 **J.F.K. REALTY, LLC -**

2 **4614 KENNEDY BOULEVARD:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, J.F.K. Realty, LLC, 4614 Kennedy
6 Boulevard. Ms. Pereiras, please.

7 MS. PEREIRAS: Yes. Bianca Pereiras on
8 behalf of the applicant. Unfortunately, on this
9 application, my client was unavailable, so was one
10 of my witnesses, so we're not able to proceed this
11 evening. We're asking for this matter to be
12 carried until the next possible hearing date of
13 November 10th.

14 MR. PANEQUE: Ms. Pereiras, this
15 application was originally noticed for September
16 8, correct?

17 MS. PEREIRAS: That's correct.

18 MR. PANEQUE: And it was carried already
19 once?

20 MS. PEREIRAS: It was carried at the
21 request of the Board, yes.

22 MR. PANEQUE: Request of the Board. Are
23 you waiving your statutory time limits?

24 MS. PEREIRAS: Of course.

25 CHAIRPERSON GRULLON: Okay. Then you

1 don't have the --

2 MS. PEREIRAS: I have no objection.

3 CHAIRPERSON GRULLON: I make a motion to
4 adjourn it to the next Board meeting.

5 MS. PEREIRAS: Thank you.

6 CHAIRPERSON GRULLON: Motion on the
7 table to adjourn this application by Mr. Grullon.

8 VICE CHAIRPERSON GUTIERREZ: Second.

9 MR. VALLEJO: Second by Ms. Gutierrez.
10 Roll call on the motion. Mr. Grullon.

11 CHAIRPERSON GRULLON: Yes.

12 MR. VALLEJO: Ms. Gutierrez.

13 VICE CHAIRPERSON GUTIERREZ: Yes.

14 MR. VALLEJO: Ms. Pena.

15 MS. PENA: Yes.

16 MR. VALLEJO: Ms. Perez.

17 MS. PEREZ: Yes.

18 MR. VALLEJO: Ms. Watley.

19 MS. WATLEY: Yes.

20 MR. VALLEJO: Five in favor, motion
21 carries.

22 MR. PANEQUE: Any member of the public
23 here for 4614 Kennedy Boulevard, that application
24 is being adjourned to the next meeting on
25 November 10th. If you're interested in appearing

1 for said application, contact Mr. Vallejo's office
2 within the next two weeks to determine the venue.

3 MR. VALLEJO: Correct.

4 MR. PANEQUE: Thank you.

5 MR. VALLEJO: It will be posted on the
6 website of the City of Union City.

7 MS. PEREIRAS: Thank you.

8 CHAIRPERSON GRULLON: Before we close on
9 this --

10

11 (Discussion held off the record.)

12

13 CHAIRPERSON GRULLON: We'll say that
14 once we have the venue that we advertise where
15 we're going to have the next meeting, you're going
16 to have to renotice.

17 MS. PEREIRAS: Understood, Mr. Chairman.

18 MR. VALLEJO: With a condition to
19 renotice required.

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1 **CHRISTOFF SCHLUENDER -**
2 **1803 CLIFF STREET:**

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4 MR. VALLEJO: Number 5, Christoff
5 Schluender, 1803 Cliff Street. Ms. Pereiras,
6 please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant. We presented at the last
9 meeting and there was considerable concerns or
10 questions raised by the Board, as well as a
11 neighbor and so we provided revised drawings to
12 the Board. However, we did not have sufficient
13 time to renotice and republish. And I believe it
14 would be appropriate to renotice and republish, so
15 we're asking for that matter to also be carried to
16 the November 10th hearing date.

17 CHAIRPERSON GRULLON: Yeah. You just
18 mentioned you didn't have time to renotice, so
19 you'll be renoticing with the new location?

20 MS. PEREIRAS: We will, yes.

21 MR. PANEQUE: Waive statutory time limits?

22 MS. PEREIRAS: Of course.

23 CHAIRPERSON GRULLON: Okay. I make a
24 motion to adjourn this application to the next
25 Board meeting.

1 MR. VALLEJO: New notice required.

2 CHAIRPERSON GRULLON: New notice and
3 waiving the time limits.

4 MS. PEREIRAS: Yes.

5 VICE CHAIRPERSON GUTIERREZ: I'll second.

6 MR. VALLEJO: Motion by Mr. Grullon,
7 seconded by Ms. Gutierrez. Roll call on the
8 motion. Mr. Grullon.

9 CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: 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: Five in favor, motion
19 carries.

20 MR. PANEQUE: Any member of the public
21 here for 1801-1803 Cliff Street, that matter is
22 being carried to the November 10th meeting.
23 Notices will be sent out with the location where
24 the meeting will take place.

25 * * * *

1 **SHEILA BALASA & JANICE TREUBIG -**
2 **1105 NEW YORK AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, 1105 New York Avenue, Sheila
6 Balasa and Janice Treubig.

7 MR. PANEQUE: Let the record reflect
8 that I've been provided by Ms. Pereiras with a
9 certification as to publication and service giving
10 notice of tonight's hearing with respect to the
11 property at 1105 New York Avenue to all property
12 owners within the 200 foot radius. That notice
13 indicates that the meeting is taking place at this
14 location, the Union City High School.

15 I've also been provided with a list from
16 the tax assessor's office noting all property
17 owners within a 200 foot radius, dated
18 September 30, 2022; as well as the certified mail
19 receipts with a stamp date of October 1, 2022.

20 I've also been provided with a copy of
21 the affidavit from The Jersey Journal indicating
22 that notice was published on October 3rd, made it
23 by the skin of your teeth again.

24 MS. PEREIRAS: Correct.

25 MR. PANEQUE: Said publication indicates

1 that at tonight's hearing here at this location,
2 the Board will hear an application with respect to
3 1105 New York Avenue.

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

7 MS. PEREIRAS: Thank you, Counsel. May
8 it please the Board, Bianca Pereiras on behalf of
9 the application for property at 1105 New York
10 Avenue, also known as Lot 2 and Block 52. This
11 property is in the CN neighborhood commercial zone
12 where two-family homes are not permitted.
13 However, the application before the Board this
14 evening is to legalize one existing unit for a
15 total of two residential units.

16 We have one expert to testify before the
17 Board this evening, and that is our architect, Ms.
18 Caroline Grieco.

19
20 C A R O L I N E G R I E C O, after having been
21 duly sworn or affirmed, did testify as follows:

22
23 MS. GRIECO: My name is Caroline,
24 C-A-R-O-L-I-N-E, Grieco, G-R-I-E-C-O.

25 MS. PEREIRAS: Ms. Grieco, would you

1 kindly give your qualifications to the Board?

2 MS. GRIECO: I'm a licensed architect in
3 the State of New York and New Jersey. My practice
4 is out of 100 Manhattan Avenue in Union City, New
5 Jersey.

6 MS. PEREIRAS: And, Ms. Grieco, have you
7 appeared before other zoning boards in the past?

8 MS. GRIECO: Yes, I have.

9 MS. PEREIRAS: Will this Board accept
10 her as an expert in the field of architecture?

11 CHAIRPERSON GRULLON: Yes, we'll accept
12 your qualifications.

13 MS. GRIECO: Thank you.

14 MS. PEREIRAS: Ms. Grieco, did you
15 prepare the drawings that are before the Board
16 this evening?

17 MS. GRIECO: Yes.

18 MS. PEREIRAS: And are you also familiar
19 with the property at 1105 New York Avenue?

20 MS. GRIECO: Yes.

21 MS. PEREIRAS: Would you kindly describe
22 the site conditions and the building for the
23 Board, please?

24 MS. GRIECO: Sure. So as Bianca said,
25 the building is in a neighborhood commercial zone,

1 the buildings both to the north and to the south
2 adjacent to the property are similar multifamily
3 residential buildings with residential use on the
4 first level.

5 The building has an existing driveway,
6 it also has an existing auxiliary structure in the
7 rear that's currently being used for landlord
8 storage. The first floor apartment is 702 square
9 feet, it's one bedroom, there's a kitchen and a
10 den and one bathroom. There's access to an
11 unfinished basement through that first floor
12 apartment. The unfinished basement, at one point,
13 someone tried to put a bathroom in it, but it
14 doesn't function. I believe there's a nonworking
15 toilet in that bathroom. Primarily, there's just
16 laundry down there for the first floor unit.

17 There's a common porch, right when you
18 walk into the unit -- I'm sorry, when you walk
19 into the building. There's stairs leading up to
20 the second floor studio apartment that is
21 503 square feet. There's both a sleeping area and
22 a dwelling area in that unit and a kitchen and one
23 single bathroom.

24 We're here tonight because there was a
25 fire last fall and the clients are trying to

1 repair the building because of the fire. The
2 majority of the work being done is repairs. They
3 will be adding a second HVAC system, it's a
4 mini-split system for the second floor unit. And
5 they're adding a hot water heater and a separate
6 gas meter for the second floor unit.

7 There was a door to a balcony that, I
8 guess, again the previous owner was supposed to
9 build off the rear of the house on the second
10 floor that we're going to change into a window.
11 All other windows are replaced in their existing
12 locations. There's vinyl siding surrounding the
13 house. The vinyl siding on the north side will be
14 repaired because that's where the fire was. The
15 fire was started on the exterior of the building
16 by the neighbor, so we have to replace in kind the
17 vinyl siding on the north side.

18 There's no exterior alterations to the
19 front of the building at all because there was no
20 damage on the front from the fire.

21 MS. PEREIRAS: Ms. Grieco, we're
22 proposing any modifications to the footprint of
23 this building?

24 MS. GRIECO: No.

25 MS. PEREIRAS: And in your opinion, the

1 two units that exist there, does it seem like they
2 have existing there for quite some time?

3 MS. GRIECO: Yes.

4 MS. PEREIRAS: If we can walk through
5 quickly the variances that we are requesting as
6 well as the bulk conditions as well. The minimum
7 lot area in the zone that's required is 2,500,
8 correct?

9 MS. GRIECO: Yes.

10 MS. PEREIRAS: And we have a total of
11 2,596?

12 MS. GRIECO: Yes.

13 MS. PEREIRAS: As far as lot width,
14 25 feet is required, and we have a total of
15 33.3 feet; is that correct?

16 MS. GRIECO: Yes.

17 MS. PEREIRAS: Okay. Our lot depth is
18 shy though, we are required to 100 feet and we
19 have approximately 77.98 feet, correct?

20 MS. GRIECO: Correct.

21 MS. PEREIRAS: There's no front yard
22 setback, however, this building is set back
23 approximately 11 feet?

24 MS. GRIECO: Yes.

25 MS. PEREIRAS: Okay. There is a 20 foot

1 rear yard setback required in this area. And we
2 have approximately 20.5 feet; is that correct?

3 MS. GRIECO: Yes.

4 MS. PEREIRAS: As far as side yard,
5 we're not proposing any modifications and we
6 currently have 3 feet on one side and 9.5 feet on
7 the other, correct?

8 MS. GRIECO: Correct.

9 MS. PEREIRAS: As far as lot coverage,
10 there is a permitted coverage of 80 percent and we
11 have approximately 50.63 percent, correct?

12 MS. GRIECO: Yes.

13 MS. PEREIRAS: As far as maximum
14 impervious coverage, where 100 percent is allowed,
15 we're at 95.97, correct?

16 MS. GRIECO: Correct.

17 MS. PEREIRAS: As far as height, we are
18 also under the required height as we are only
19 three stories and 27.75 feet, correct?

20 MS. GRIECO: Yes.

21 MS. PEREIRAS: Okay. And can you please
22 describe the parking conditions on-site?

23 MS. GRIECO: There's one long driveway
24 on the south side of the site and there's
25 approximately three parking spaces in that

1 driveway.

2 MS. PEREIRAS: I have no further
3 questions of this witness.

4 CHAIRPERSON GRULLON: Thank you Ms.
5 Grieco, Ms. Pereiras.

6 The proposed unit to be legalized would
7 be the second floor unit?

8 MS. PEREIRAS: We understand it to be
9 the second floor, yes.

10 CHAIRPERSON GRULLON: And how big is
11 that unit, the square footage of that?

12 MS. GRIECO: 503 square feet.

13 CHAIRPERSON GRULLON: And that's how
14 many bedrooms?

15 MS. GRIECO: It's a studio apartment.

16 CHAIRPERSON GRULLON: Studio apartment,
17 okay. And question on the basement, I see it's an
18 unfinished basement, they only have a laundry, I
19 see they also have a bathroom. Were you able to
20 measure how high is the ceiling in that basement?

21 MS. GRIECO: The ceiling in the -- you
22 could see there's a step up, there was an addition
23 put on the house at some point. So the original
24 basement, there's about a 7 foot ceiling and you
25 step up into the back area and it's probably about

1 6 foot ceiling. But the bathroom doesn't
2 function, it's -- someone tried to make a
3 bathroom, but it doesn't function.

4 CHAIRPERSON GRULLON: Okay. And by
5 doing the renovation here, you're going to bring
6 the building up to code because I know you said
7 there was a fire in the building?

8 MS. GRIECO: Correct.

9 CHAIRPERSON GRULLON: Maybe you're going
10 to have to some kind of electrical work redone
11 there, fire alarms, and all the safety condition
12 will be improved?

13 MS. GRIECO: Yes.

14 MS. PEREIRAS: All safety conditions
15 will be met and brought up to today's code.

16 CHAIRPERSON GRULLON: I don't have
17 anymore questions. Any members of the Board have
18 any questions? Hearing none, do you have any
19 other witness?

20 MS. PEREIRAS: We do not.

21 CHAIRPERSON GRULLON: Any member of the
22 public want to step forward on this application?
23 Hearing none, close to the public.

24 Taking into consideration that this is
25 going to legalize an existing unit and going to

1 bring the building up to code, I make a motion to
2 grant the application.

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

5 VICE CHAIRPERSON GUTIERREZ: Second.

6 MR. VALLEJO: Seconded by Ms. Gutierrez.
7 Roll call on the motion to grant this application.
8 Mr. Grullon.

9 CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: 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: Five in favor, motion
19 carries.

20 MS. PEREIRAS: Thank you.

21 Mr. VALLEJO: Mr. Paneque, for the
22 record, the next hearing for those adjournments
23 November 10 will be at Gilmore School, 1600
24 Kerrigan Avenue. Thank you.

25 * * * *

1 **KELSEY ADAMY & PAUL CHANG -**
2 **512 MONASTERY PLACE:**

3
4 MR. VALLEJO: Next application on
5 tonight's hearing Kelsey Adamy and Paul Chang, 512
6 Monastery Place.

7 MR. PANEQUE: Let the record reflect
8 I've been provided by Ms. Pereiras with the
9 following documents:

10 I have a certification as to publication
11 and service indicating that notice of tonight's
12 hearing was provided to all property owners within
13 200 foot range of 512 Monastery Place, noting the
14 meeting for tonight, October 13th, at this
15 location.

16 I've also been provided with an
17 affidavit of publication from The Jersey Journal
18 with a date of October 3rd, with respect to the
19 property at 512 Monastery Place, giving notice of
20 the application at this location.

21 I've also been provided with a list from
22 the tax assessor's office noting all property
23 owners within 200 foot radius of 512 Monastery
24 Place. That list has a date of October 4, 2022.
25 And I've been provided with the certified mail

1 receipts with a stamp date of October 3, 2022.

2 Based on the documents that have been
3 provided, this Board has jurisdiction to proceed
4 and hear this matter.

5 MS. PEREIRAS: Thank you, Counsel.

6 MR. PANEQUE: Thank you, Ms. Pereiras.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant, Ms. Adamy and Mr. Chang for
9 property at 512 Monastery Place, also known as Lot
10 36 in Block 109.

11 This property is located in the R low
12 density residential zone. What we have existing
13 is a two-family at the front of the lot and there
14 is an existing building at the rear that we are
15 seeking to legalize as residential units.

16 We have one expert to testify before the
17 Board this evening and that is our architect, Mr.
18 Manuel Pereiras.

19
20 M A N U E L P E R E I R A S, after having been
21 duly sworn or affirmed, did testify as follows:

22

23 MR. PEREIRAS: Manny Pereiras,
24 P-E-R-E-I-R-A-S with Pereiras Architect
25 Ubiquitous, 1116 Summit Avenue, Union City, New

1 Jersey.

2 MS. PEREIRAS: And Mr. Pereiras has
3 testified before the Board --

4 CHAIRPERSON GRULLON: Yes.

5 MS. PEREIRAS: Thank you very much.

6 CHAIRPERSON GRULLON: We accept your
7 qualifications, Mr. Pereiras.

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

9 CHAIRPERSON GRULLON: Proceed.

10 MS. PEREIRAS: Mr. Pereiras, are you
11 familiar with the property at 512 Monastery Place?

12 MR. PEREIRAS: Yes, I am.

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

15 MR. PEREIRAS: I have.

16 MS. PEREIRAS: And would you kindly
17 describe the proposed application for the Board?

18 MR. PEREIRAS: I'd be very happy to.
19 This is a kind of a unique property, however it's
20 not unique when it comes to this block. I think
21 this Board has seen me present projects on this
22 block at least two other times in the past.
23 There's a satellite photograph that shows the
24 block. And as you can see, this block has
25 structures in the front, along the property line,

1 and then additional structures in the rear. So we
2 have legalized structures on this very block in
3 the rear. And that's what we're going to do
4 today.

5 Again, this is a little bit of an
6 unusual lot also in the sense of its size. It is
7 25 feet wide, however it is 174 feet in depth.
8 That additional depth, I guess, led through many
9 years, as this is a very old construction, a rear
10 structure in the back. So there's a two-family
11 house in the front that occupies 55 feet, then
12 there's a middle court yard that is 46 feet,
13 4 inches, and then the two-family -- what we're
14 proposing to legalize as a two-family in the rear.

15 Now, I have visited the site a couple
16 times, there's an existing illegal apartment on
17 the second floor. And there is, on the ground
18 floor, what I believe was an illegal apartment,
19 currently it's somewhat demolished. We're looking
20 to legalize both those units, the first floor and
21 the second floor. The existing building on the
22 rear has zero lot lines on both side yards. And
23 on the rear yard, there's only a few inches on one
24 corner and about 3 feet at the other corner.

25 The existing building along the front is

1 on the property line on both sides and a few
2 inches away from the property line along the front
3 yard. There is pervious areas between the two,
4 it's all grassed and kind of beautiful actually.
5 And the way we access to this two-family unit is
6 through a long hallway with a door at the front of
7 the building. And now that long hallway becomes
8 part of our application because we want to make
9 sure that this is a safe access to the rear, both
10 for firemen and for the occupants of the building.
11 So we are going to upgrade that hallway to what's
12 going to be called a two hour fire separation. So
13 the side walls, the ceiling, everything becomes a
14 two hour separation. And there's emergency
15 hardware on the door so someone can always escape
16 through there. It's never going to be locked from
17 the inside. So there will be safe access for that
18 building in the rear through that front.

19 I'm turning now. Sheet Z02 has the
20 existing elevations of that building. And sheet
21 Z03 shows the floor plans, both existing and
22 proposed. As you can see here on the ground
23 floor, we're proposing a one bedroom unit. The
24 one bedroom is along the front of the property.
25 This is a function of building code. I can't add

1 new windows and I need to make this building safe.
2 So there's no emergency escape through the side or
3 the rear, so the emergency escape happens through
4 the front. So we have a bedroom in the front,
5 it's a bedroom suite, it has its own bathroom and
6 walk in closet. And then there's a hallway that
7 leads you to the apartment which is an open
8 layout, kitchen, dining room, and living room.

9 The upstairs, which we are demolishing
10 the existing stairs that there are outside and
11 rebuilding new much more beautiful stair, is the
12 same concept. We have a bedroom in the front
13 that's a bedroom suite, bathroom, walk in closet,
14 a small powder room and then a kitchen, living
15 room, dining room along the rear of the building.
16 Very simple in design, modest one bedroom.

17 And then from a facade, we're really
18 upgrading the facade, redesigning the stairs,
19 putting large windows so we can bring some light
20 in there since it's a rear structure. And really
21 just beautifying it and introducing some brick on
22 that facade as well. And that concludes my
23 testimony.

24 MS. PEREIRAS: Mr. Pereira, would you
25 mind going through the zoning chart and discuss

1 our variances?

2 MR. PEREIRAS: I'd be happy to.

3 Technically, we have a lot of existing
4 nonconformities. Obviously, not lot size because
5 we're oversized significantly. But we have a
6 front yard existing nonconformity. We have a rear
7 yard because our rear yard lot line is zero
8 existing nonconformity. Our side yards are zero
9 on both sides, existing nonconformity. We're in
10 compliance with building height, both in feet and
11 stories. Our building coverage is slightly over,
12 we're about 70 percent whereas 65 percent is
13 permitted, so that's an existing nonconformity.
14 And our coverage, we have no variance there. And
15 then technically our parking is increased. We're
16 adding two apartments. That would require based
17 on RSIS standards, 1.8 parking spaces each, we
18 round off to total of four parking spaces that
19 we're adding, so we're expanding the existing
20 nonconformity there for parking.

21 CHAIRPERSON GRULLON: Does that conclude
22 your testimony, Mr. Pereiras?

23 MR. PEREIRAS: It does, Mr. Chairman.

24 CHAIRPERSON GRULLON: Do you have any
25 other witness?

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

2 CHAIRPERSON GRULLON: Your request is to
3 go from two units to three units or two units to
4 four?

5 MR. PEREIRAS: There's two units in the
6 front structure, we're looking to legalize two
7 existing units in the rear.

8 CHAIRPERSON GRULLON: So two to four?

9 MR. PEREIRAS: Yes.

10 CHAIRPERSON GRULLON: There's only two
11 legal units in there?

12 MS. PEREIRAS: Correct.

13 CHAIRPERSON GRULLON: Mr. Pereiras, I
14 know you're going to be doing a lot of renovation
15 inside the apartment, are you changing the
16 footprint of each of the two buildings because you
17 got two structures there?

18 MR. PEREIRAS: Correct. We are not
19 modifying the footprint in any way. However, I
20 just want to be clear that the stair, the way it's
21 configured to get into that second apartment in
22 the rear, does not meet code. So we are
23 demolishing that and rebuilding that stair, so
24 that stair changes configuration a little bit.
25 Other than that, there's no changes to the

1 building.

2 CHAIRPERSON GRULLON: You're going to be
3 maintaining the front and rear yard between the
4 two?

5 MR. PEREIRAS: Yes.

6 CHAIRPERSON GRULLON: The same size?

7 MR. PEREIRAS: Exactly the same size.

8 CHAIRPERSON GRULLON: Okay. How many
9 bedrooms in total?

10 MR. PEREIRAS: We're proposing two
11 bedrooms in total, one for each of the apartments.

12 CHAIRPERSON GRULLON: Okay. That would
13 be an additional four bedrooms?

14 MR. PEREIRAS: No, an additional two
15 bedrooms, they're one bedroom apartments.

16 CHAIRPERSON GRULLON: Okay. Your square
17 footage of the apartment, do you know?

18 MR. PEREIRAS: Yes. It's not on here,
19 but I'll calculate it very quickly for you. It's
20 1,600 square feet, so they are large.

21 CHAIRPERSON GRULLON: For one bedroom
22 apartments?

23 MR. PEREIRAS: Yes. The problem is I
24 can't add more bedrooms because we're on the lot
25 lines so I'm restricted from a code standpoint.

1 CHAIRPERSON GRULLON: You mentioned
2 there's an alleyway that takes you back to the
3 rear units?

4 MR. PEREIRAS: It's not an alleyway,
5 it's an actual hallway within the building.

6 CHAIRPERSON GRULLON: How wide is that?

7 MR. PEREIRAS: It's 3 foot, 8, something
8 like that, it's a little bit less than 4 feet.

9 CHAIRPERSON GRULLON: That would be
10 sufficient for fire department to go in with a
11 ladder?

12 MR. PEREIRAS: It meets the egress --

13 CHAIRPERSON GRULLON: Because you're
14 talking about ceiling in that area?

15 MR. PEREIRAS: Yes.

16 CHAIRPERSON GRULLON: How high is that
17 ceiling?

18 MR. PEREIRAS: It's over 8 feet.

19 CHAIRPERSON GRULLON: Okay. And this is
20 only ground floor and second floor, it has no
21 basement?

22 MR. PEREIRAS: That rear unit has no
23 basement.

24 CHAIRPERSON GRULLON: I don't have
25 anymore questions. Any members of the Board have

1 any questions? Hearing none, open to the public.
2 Any members of the public want to step forward on
3 this application?

4 MR. VALLEJO: Mr. Garcia.

5 MR. GARCIA: In the agenda, it says
6 legalization of rear house?

7 MR. PEREIRAS: Yes.

8 MR. GARCIA: You're going from --

9 CHAIRPERSON GRULLON: Mr. Garcia --

10 MR. GARCIA: Do I? Because last time I
11 tried --

12 CHAIRPERSON GRULLON: We want to know
13 for the record.

14 MR. GARCIA: No, I know, but I say that
15 when I start to talk, it's like you don't have to
16 go that far. Andreas Garcia, 121 34th Street,
17 apartment 513, Union City.

18 On the agenda, you indicate legalization
19 of a rear house; however, we're going from what to
20 what?

21 MR. PEREIRAS: So the front house is a
22 two-family.

23 MR. GARCIA: Two-family?

24 MR. PEREIRAS: We're legalizing the rear
25 house which is two-family.

1 MR. GARCIA: So you're converting from
2 two-family to four?

3 MR. PEREIRAS: So it two two-family
4 houses, but it is four families total on the lot.

5 MR. GARCIA: Total on the lot, okay.
6 Perfect. That's it. That's all, thank you.

7 CHAIRPERSON GRULLON: Any members of the
8 public want to step forward? Hearing none, close
9 to the public.

10 Taking in consideration that this
11 building is going to be brought up to code and
12 it's going to make the living condition of the
13 residents -- it's going to enhance the living
14 conditions, I make a motion to grant this
15 application.

16 VICE CHAIRPERSON GUTIERREZ: Second.

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

21 CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 VICE CHAIRPERSON GUTIERREZ: 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: Five in favor, motion
6 carries.

7 MS. PEREIRAS: Thank you all very much.

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1 **GEOFFREY WILLIAMS -**

2 **321 5TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Geoffrey Williams, 321 5th
6 Street.

7 MR. PANEQUE: Let the record reflect
8 that I've been provided by Ms. Pereiras with a
9 certification as to publication and service with
10 respect to the property at 321 5th Street, giving
11 notice of tonight's hearing at this location.

12 I've also been provided with an
13 affidavit from The Jersey Journal, which was
14 published on October 3, 2022, said publication
15 indicates that notice of this hearing was given
16 for this location with respect to the project at
17 321 5th Street.

18 I've also been provided with a list of
19 all property owners in the 200 foot radius of 321
20 5th Street, that list is dated September 20th, as
21 well as the certified mail receipts for this
22 application with a date of October 1, 2022.

23 Based on the documentation that's been
24 provided, this Board has jurisdiction to proceed
25 and hear this.

1 MS. PEREIRAS: Thank you very much.

2 MR. PANEQUE: Thank you.

3 MS. PEREIRAS: Bianca Pereiras on behalf
4 of Mr. Geoffrey Williams for property located at
5 321 5th Street, also known as Lot 15 in Block 14.
6 The application before the Board this evening is
7 regarding an existing three-family home. Mr.
8 Williams purchased this property a few months ago
9 to move in. This is going to be an owner occupied
10 building.

11 Mr. Williams is here this evening in
12 case the Board has any questions of him. But the
13 application is to provide an addition to improve
14 the living space. These are very small units. As
15 I mentioned, Mr. Williams is hoping to move in and
16 would like to have more space as well as
17 comfortable living spaces. We have one expert to
18 testify, that is our architect, Mr. Manual
19 Pereiras.

20
21 M A N U E L P E R E I R A S, previously sworn:

22
23 MR. PEREIRAS: Manny Pereiras, I
24 recognize that I am still under oath.

25 MS. PEREIRAS: Mr. Pereiras, are you

1 familiar with the property at 321 5th Street?

2 MR. PEREIRAS: I am.

3 MS. PEREIRAS: And did you prepare the
4 drawing that are before the Board this evening?

5 MR. PEREIRAS: I have.

6 MS. PEREIRAS: Would you kindly describe
7 the proposal for the Board?

8 MR. PEREIRAS: I'd be very happy to.
9 The drawings that were submitted to the Board are
10 the same drawings on the easel to my left that I
11 will be using for presentation purposes.

12 This Board knows that I'm always very
13 happy when it's an owner occupied building, we get
14 to put a little bit more love into projects and
15 this is one of those projects. We've taken a lot
16 of time and care to really mold it into something
17 beautiful. We have a typical 25 by 100 lot and we
18 have an existing building that occupies that site.
19 It is an existing three-family house. That house,
20 which is typical of the neighborhood, has a very
21 short front yard setback of only 1 foot 5 inches,
22 that is typical of the entire block. And it is
23 appropriate to maintain that setback since we're
24 maintaining this house.

25 However, one side yard is at zero feet

1 and the other side yard is at 2 foot 4 inches.
2 From a code perspective, we really want to make
3 this a safe structure. So one of the very first
4 things that we're proposing to do is to increase
5 that side yard to a total of three feet, actually
6 three feet one inches. So we're going to tear
7 down that portion of the building and push that
8 wall back. That creates several things. Number
9 one it creates a safe egress path. So anyone
10 exiting from that building has safety there. It
11 also creates a path for firefighters to go fight
12 any fire, not only at this building but also the
13 adjoining structures. Since there's very limited
14 opportunity on that block to get to the rear yard.
15 So we thought that was a very important thing to
16 do from a safety standpoint.

17 As you can see, this is an extremely
18 small house and the owners really needed some more
19 space to create, so what we're doing is we're
20 proposing an addition to the rear of this house.
21 Now that addition is respecting the ordinance in
22 every way that we can. We're setting back
23 three feet on one side and we're setting back two
24 feet on the other side. And in order to fit all
25 the programs, we are asking for a rear yard

1 variance. We're at 15 feet one inches from the
2 rear yard. So we are asking for a rear yard
3 variance, but it's a minor one. But it's
4 necessary for this house and you'll see when I
5 walk through the floor plan so that we can fit the
6 program that they need for their family.

7 Just to go over the zoning chart, we're
8 compliant with lot width, we're compliant with lot
9 depth. The use is an existing nonconformity, so
10 it's an expansion of a D2. We have a front yard
11 that is an existing nonconformity, however it is
12 prevailing. So I would say we do not have a
13 variance there. We have a rear yard variance. We
14 have side yard for the existing portions of the
15 house, not for the proposed addition. Building
16 height, three stories is permitted, we're at four
17 stories, so yes, a variance is required for
18 height. Building height in feet, we're at
19 37 feet, 10 inches, so we're slightly over --
20 we're right under the height. So we have no
21 variance for height. Building coverage, we are at
22 69 percent, so we're slightly over the permitted,
23 65. And lot coverage, we are at 87, so no
24 variance is required there.

25 Now, with parking, that opens the next

1 big intervention that we're doing in this project.
2 There was currently zero parking for this
3 three-family house. We thought, of course,
4 absolutely critical for any project that we're
5 doing in Union City to provide parking. So we're
6 taking that apartment that was on the ground
7 floor, this is the existing condition. And we're
8 tearing that out in order to provide parking. So
9 we're providing parking for four cars. We
10 obviously can't go across the entire length with
11 this parking, but we're providing four spaces
12 whereas before there weren't any. And I think
13 that's a very important aspect of this
14 application.

15 So the front of the building has a
16 garage door, then we're isolating the entry to the
17 apartments to the door on the left. As you can
18 see, there's an existing crawl space that we're
19 not modifying in any way. We're filling a portion
20 of it for the car area. And then in the back,
21 you'll see a family room and that family room has
22 stairs that interconnects it to the apartment
23 above. So they have access to the rear yard
24 without having to go outside.

25 I'm turning now to sheet Z03. And Z03,

1 again, you see the comparison of existing and
2 proposed, and existing and proposed. This is the
3 second floor. As you can see, we created what is
4 a typical Union City apartment. The front has an
5 open area, which is kitchen, dining room, and
6 living room. And then three bedrooms along the
7 back. We're introducing a new stair along the
8 rear so that we have safety of two means of egress
9 in this building. And, again, the same thing is
10 copied on the third and fourth floor.

11 And then what I'm most proud of is we're
12 taking this facade that is in really bad shape and
13 what we're doing is we're basically creating an
14 all new facade that is gorgeous, with a lot of
15 architectural detail. We're going to create a
16 brick facade, a beautiful new cornice along the
17 top. We're creating windows that have accentuated
18 features, such as a beautiful ornamental header
19 and sill on all levels. And then creating a
20 balcony so it really brings the scale of this
21 building down, this is a full balcony. And again
22 this is brick and that brick wraps around the
23 building on the three foot side with that
24 beautiful cornice around the side as well.

25 The rear portion of the property does

1 have some small balconies, I want to point that
2 out. And again here you see the other facades,
3 the existing above and the proposed below. You
4 see the small balconies coming out of every window
5 along the rear and nice open space for the family
6 room so they have access to the rear yard. And
7 that opens me up for questions.

8 CHAIRPERSON GRULLON: Mr. Pereiras, this
9 application is three-family but it's going to
10 remain three-family?

11 MR. PEREIRAS: Correct.

12 CHAIRPERSON GRULLON: And technically
13 you just removing the one unit in the ground floor
14 and converting that to garage and adding a floor
15 to the building?

16 MR. PEREIRAS: Correct. And the way
17 we're designing this building, we're modifying the
18 floor levels so that we're not going above our
19 permitted height. So we're at 35 feet, even
20 though we have this additional floor that we're
21 doing. So we're in compliance with the height as
22 far as feet.

23 CHAIRPERSON GRULLON: The height of the
24 building, the total height of the building?

25 MR. PEREIRAS: 35 feet, just under 35

1 feet, we're at 34 feet six inches.

2 CHAIRPERSON GRULLON: What is permitted
3 there?

4 MR. PEREIRAS: I'm sorry, we are -- I'm
5 sorry, I'm very sorry. We're at 37 feet
6 10 inches. So let me restate what I'm saying, let
7 me just be very clear on this.

8 So, yeah, we have a permitted building
9 height of 38 feet and we're at 37 feet 10 inches.
10 So we're two inches below the permitted.

11 CHAIRPERSON GRULLON: Mr. Spatz, is that
12 correct, they meet the height?

13 MR. SPATZ: Yes in terms as measured in
14 feet, they meet the height. They have one extra
15 story than permitted, but the overall height in
16 terms of feet is conforming.

17 CHAIRPERSON GRULLON: Thank you, Mr.
18 Spatz.

19 The balconies, Mr. Pereiras, they're
20 French balcony?

21 MR. PEREIRAS: Correct. I'll show you
22 on floor plan so you understand the relationship.

23 CHAIRPERSON GRULLON: Are they going
24 to project outside?

25 MR. PEREIRAS: So they're projecting a

1 little bit, just for the aesthetics, so it looks
2 beautiful. But it's not enough for someone to
3 step out there, so it's less than a foot that they
4 project.

5 CHAIRPERSON GRULLON: Sometimes,
6 typically, you see balconies being used as
7 storage?

8 MR. PEREIRAS: Yeah. So that's along
9 the front. And then the rear is actually a little
10 bit deeper, it's deep enough that someone can
11 stand out there.

12 CHAIRPERSON GRULLON: The one in the
13 front of the building is more?

14 MR. PEREIRAS: It's for the aesthetics
15 only, so that we can achieve this look. So we can
16 achieve this look on the facade.

17 CHAIRPERSON GRULLON: Could you go over
18 the roof, what do you have there on the roof?

19 MR. PEREIRAS: I'll be happy to. So we
20 have nothing on the roof, other than the one stair
21 is going to the roof for service. So you have all
22 our mechanical equipment will be on the roof, all
23 the condensers and you have one stair that has a
24 bulkhead.

25 CHAIRPERSON GRULLON: That's just the

1 parapet that you're showing on the drawing?

2 MR. PEREIRAS: Correct.

3 CHAIRPERSON GRULLON: Okay. And you
4 have an opportunity to visit the area, no?

5 MR. PEREIRAS: Absolutely. I'm very
6 familiar with the area.

7 CHAIRPERSON GRULLON: Can you describe
8 the east side and the west side, the properties on
9 those two sides?

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

11 CHAIRPERSON GRULLON: And the rear yard,
12 how -- can you describe the rear yard?

13 MR. PEREIRAS: Okay. There's actually a
14 good mixture of properties and good mixture of
15 what those rear yards are in that area. What is
16 consistent is that the majority of those
17 properties have a very -- zero foot front yard.
18 So the reason I say that there's a mixture of
19 depth of rear yards is because there are new
20 structures on that block and some older
21 structures. A lot of the older structures have a
22 larger rear yard, they're smaller houses. And a
23 lot of new ones we have, that we've done, have
24 even as less as five feet.

25 CHAIRPERSON GRULLON: I'm asking about

1 the two immediate lots.

2 MR. PEREIRAS: The two immediate ones,
3 we can show you on there. So the lot immediately
4 to the west has another structure in the rear
5 yard. So it has a zero rear yard setback and it
6 has that small structure. The house immediately
7 to the east, I believe, has a very deep rear yard,
8 it is currently built to the same length as the
9 house that we have now, currently, the existing
10 conditions.

11 CHAIRPERSON GRULLON: The proposed,
12 you're going to have 15 feet for the rear yard?

13 MR. PEREIRAS: Correct. And if you look
14 at the site plan, you see that the adjacent house
15 to the west covers basically -- they have no rear
16 yard. There's a small space between the two
17 houses, they have one story block building in the
18 back. And then on the left-hand side, they also
19 have a small masonry structure at the rear yard.
20 And then there's a gap between that and the house,
21 which lines up with the existing house.

22 CHAIRPERSON GRULLON: Okay. Are you
23 proposing to change the facade?

24 MR. PEREIRAS: Completely changing the
25 facade, which is something I'm very proud of.

1 It's going to be all brick with a lot of beautiful
2 architectural detail that you can see on sheet
3 Z04, on the bottom left hand corner. It's going
4 to be one of the most attractive buildings in that
5 area.

6 CHAIRPERSON GRULLON: Okay, thank you.
7 You said the owner -- it's going to be owner
8 occupied?

9 MR. PEREIRAS: Owner occupied and
10 they're here today.

11 CHAIRPERSON GRULLON: I don't have
12 anymore questions. Could you bring the owner, I
13 would like to ask some questions?

14 MS. PEREIRAS: Absolutely. Mr.
15 Williams.

16 CHAIRPERSON GRULLON: I'd like to
17 confirm he's going to live there.

18
19 G E O F F R E Y W I L L I A M S, after having
20 been duly sworn or affirmed, did testify as
21 follows:

22

23 MR. WILLIAMS: Geoffrey Williams,
24 G-E-O-F-F-R-E-Y W-I-L-L-I-A-M-S.

25 CHAIRPERSON GRULLON: Mr. Williams, my

1 question is are you planning to occupy one of the
2 units?

3 MR. WILLIAMS: Yes.

4 CHAIRPERSON GRULLON: Which unit is
5 that?

6 MR. WILLIAMS: Most likely the third
7 floor unit.

8 CHAIRPERSON GRULLON: The third floor.
9 You currently live in that area or that building?

10 MR. WILLIAMS: So we're in the process
11 of moving in right now, probably going to move in
12 starting January.

13 CHAIRPERSON GRULLON: All right. That's
14 what I wanted to confirm. Thank you. Welcome to
15 Union City.

16 MR. WILLIAMS: Thank you.

17 MS. PEREIRAS: Thank you, Mr. Williams.

18 CHAIRPERSON GRULLON: Any other member
19 has any questions? Hearing none, at this time I'm
20 going to open to the public. Any member of the
21 public want to step forward?

22 MS. KAPP: Yes, hi. My name is Edna
23 Kapp, K-A-P-P, I live at 318 4th Street, which is
24 at the -- so the rear of my building is against
25 the rear of this building. So I'm not clear

1 about -- they state that they're going to is
2 maximum lot coverage. I'm not clear, is the
3 building in the back of the building, is that
4 going to go all the way up into the --

5 CHAIRPERSON GRULLON: Your property is
6 going to be 15 --

7 MS. KAPP: The property line.

8 MR. PEREIRAS: We're going to be
9 separated 15 feet from our property line, so you
10 have another 15 feet until.

11 MS. KAPP: So there will be 15 feet to
12 the property line?

13 MR. PEREIRAS: Correct.

14 MS. KAPP: And is that going to be a
15 garden or what is that going -- what's going to be
16 there?

17 MR. PEREIRAS: It's going to be a
18 backyard, so the owner could choose -- it has to
19 be grass. It could be a garden, it could be
20 anything like that.

21 MS. KAPP: Okay. So when you say your
22 maximum lot coverage, that doesn't necessarily
23 mean the building and the yards or whatever?

24 MR. PEREIRAS: Maximum lot coverage is a
25 zoning term and which is what is permitted. So it

1 has -- it's not what we're doing, it's a zoning
2 term.

3 MS. KAPP: Okay. So again there will be
4 15 feet --

5 MR. PEREIRAS: Correct.

6 MS. KAPP: -- of grass space or
7 something?

8 MR. PEREIRAS: Correct.

9 MS. KAPP: All right. That's really it.
10 Thank you.

11 MS. PEREIRAS: Thank you.

12 CHAIRPERSON GRULLON: Anyone else from
13 the public? Anyone want to step forward on this
14 application? Hearing none, taking into
15 consideration that this application is going to
16 remain to be three-family, it's going to provide
17 parking, necessary parking, particularly in that
18 area, and it's going to improve the condition of
19 the building, I make a motion to grant this
20 application.

21 MR. VALLEJO: Motion on the table to
22 grant the application by Mr. Grullon. Any second
23 on the motion?

24 VICE CHAIRPERSON GUTIERREZ: Second.

25 MR. VALLEJO: Seconded by Ms. Gutierrez.

1 Roll call on the motion to grant this application.
2 Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: 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: Five in favor, motion
13 carries.

14 MS. PEREIRAS: Thank you all very much.

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MEDNA BUILDERS, LLC -
406 BERGENLINE AVENUE:

MR. VALLEJO: Next application on tonight's agenda, Medna Builders, LLC, 406 Bergenline Avenue. Ms. Pereiras, please.

MR. PANEQUE: Let the record reflect that I've been provided by Ms. Pereiras with a certification as to publication and service with respect to the property at 406 Bergenline Avenue, Union City, New Jersey.

I've also been provided with an affidavit of publication from The Jersey Journal giving notice tonight's hearing with respect to the property at 406 Bergenline Avenue at this location. That notice was published on October 3, 2022.

I've also been provided with a list of all property owners within 200 foot radius of 406 Bergenline Avenue. That list has a date of October 4, 2022, as well as the certified mail receipts with a postmark date of October 3, 2022.

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

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

3 May it please the Board Bianca Pereiras
4 on behalf of Medna Builders for property at 406
5 Bergenline Avenue, also known as Lot 20 in Block
6 15.

7 Currently, we have on-site a two-family
8 home. The application before the Board this
9 evening is to construct a new two-family home, so
10 we would be demolishing the existing structure and
11 creating a new beautiful two-family home. This
12 property is located in the R low density
13 residential zone, where two-families are
14 permitted. We have one expert to testify and that
15 is our architect, Mr. Manuel Pereiras.

16
17 M A N U E L P E R E I R A S, previously sworn:

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

21 MS. PEREIRAS: Mr. Pereiras, are you
22 familiar with the property at 406 Bergenline
23 Avenue?

24 MR. PEREIRAS: I am.

25 MS. PEREIRAS: Did you prepare the

1 drawings that are before the Board this evening?

2 MR. PEREIRAS: I have.

3 MS. PEREIRAS: Mr. Pereiras, would you
4 kindly describe the existing conditions and the
5 proposed application for the Board?

6 MR. PEREIRAS: I'd be very happy to.
7 I'm glad we're getting to this project. There's a
8 dilapidated structure on that site that has been
9 in pretty bad condition for many, many years, it's
10 been an eyesore. We're looking to demolish that
11 and in its place create exactly what Union City
12 wants here, which is a two-family house.

13 We have some difficulties on the site
14 and that is the lot size, we're 25 foot wide and
15 we're only 75 feet deep. So we're at 1,875 feet
16 total, so we have an existing nonconformity for
17 lot size, lot depth, which as a function of that
18 triggers a couple of other small variances.

19 We are as compliant as possible. We're
20 providing a two foot setback on one side and a
21 three foot setback on the other. Just to note
22 that my drawings are inverse from what you
23 normally see. I normally have the street on the
24 bottom. In this set, Bergenline Avenue is along
25 the top of the drawing, we kept north true north.

1 And what we have as a rear yard is 10 feet. So we
2 are asking for a variance for rear yard, but
3 that's just a function of the undersized lot. If
4 we made this any smaller, it would significantly
5 impact this two-family house.

6 So going through the chart, one by one.
7 We have a compliant front yard because of
8 prevailing; however, we are on the lot line, which
9 is typical of that neighborhood. So we are --
10 it's a prevailing front yard setback. The rear
11 yard, we have a variance there because we have
12 10 feet, where 20 is required. Side yard, we have
13 no variance, we're in compliance, two and three
14 and total of five. Building height, we're fully
15 in compliance. We have three stories, building
16 height in feet, we're fully compliant, we're at
17 37 feet. Building coverage, we are slightly not
18 compliant, we're at 70 percent whereas 65 is
19 required. And, again, that's a function of the
20 undersized lot.

21 We have a maximum lot coverage of
22 90 percent and we're at 87 percent, no variance is
23 required there. And we are providing all the
24 parking that's required. We need four parking
25 spaces and we are providing those four parking

1 spaces.

2 So we're introducing a new curb cut at
3 this site with access to the garage where we're
4 providing four cars. We have access to apartment
5 number two through from the front, and access from
6 apartment number one on the side. This is a code
7 requirement that they each have to have their own
8 independent doors and the only way I could
9 accomplish that is doing this. Because if I put
10 both doors on the front of the building, there
11 would be no room for the garage.

12 So the rear is the entrance for
13 apartment number one, where you take the stairs
14 and leads you to that apartment. And we have a
15 simple typical Union City layout, where we have
16 living room, dining room, kitchen, and three
17 bedrooms along the back. The master bedroom in
18 the back does have its own master closet and the
19 other bedrooms share a bathroom in the hallway and
20 a small laundry.

21 The top floor is very similar, except
22 the access is from the front. And you have those
23 stairs that lead you and you exit right here. And
24 those stairs open to the hallway, you have living
25 room, dining room, kitchen, and three bedrooms

1 similar to the floor below. If you were to take
2 those stairs up to the roof, we're creating a roof
3 tears with the railing all around that property.

4 Turning now to the elevations. We have
5 an elevation that is brick, completely brick on
6 the ground floor. And then we have a combination
7 of metal panels and wood siding for the top. A
8 very simple modern design. So you have the three
9 story structure plus the roof deck. And that
10 design wraps along the side of the building on the
11 three foot side and a little bit on the two foot
12 side, just enough that it's aesthetically
13 pleasing. And that concludes my testimony, very
14 simple small two-family house.

15 CHAIRPERSON GRULLON: Mr. Pereiras, the
16 height of the building?

17 MR. PEREIRAS: Yes. We're at 37 feet to
18 the highest point of the structure.

19 CHAIRPERSON GRULLON: You're requesting
20 a variance on that?

21 MR. PEREIRAS: We are not requesting a
22 variance either for stories nor for height. There
23 is a bulkhead for the stairs and that's permitted
24 under the ordinance.

25 CHAIRPERSON GRULLON: I'm referring to

1 your zoning table.

2 MR. PEREIRAS: I don't know why -- yeah,
3 I'm sorry, that's a typo.

4 CHAIRPERSON GRULLON: You say you are
5 requesting --

6 MR. PEREIRAS: There's no variance
7 requested, that's a typo.

8 CHAIRPERSON GRULLON: Okay. You are
9 providing parking where you didn't have parking
10 before?

11 MR. PEREIRAS: Correct.

12 CHAIRPERSON GRULLON: But as you know
13 you have a beautiful sidewalk with trees and
14 lights in front of the house, what are you
15 planning to do with those?

16 MR. PEREIRAS: So we have to relocate
17 them. We have no space to relocate them in front
18 of this property. Potentially, we could put a
19 tree entry right at the edge corner of the
20 sidewalk and the property at this point, that is a
21 possibility. And relocate the light a few feet
22 lower to the north.

23 CHAIRPERSON GRULLON: Is that something
24 that is taken into consideration because the curb
25 cut --

1 MR. PANEQUE: Yes.

2 CHAIRPERSON GRULLON: So we --

3 MR. PEREIRAS: We work often with DPW
4 and the City to find out where the appropriate
5 location of these are. There have been times
6 where we eliminate them. There are times when we
7 just move them over. But when the applicant is
8 going to pull out a bond and they're going to work
9 with the City in order to get that done.

10 CHAIRPERSON GRULLON: And you're
11 familiar with the area there?

12 MR. PEREIRAS: Very familiar.

13 CHAIRPERSON GRULLON: Could you describe
14 the area?

15 MR. PEREIRAS: Sure. So first and
16 foremost, we're -- it's 406 Bergenline Avenue.
17 There is a mixture in that area of some commercial
18 that is remnants of Bergenline Avenue coming down,
19 mostly residential. The immediate structures are
20 residential on both sides. And they're a mixture
21 of sizes, you have some multifamilies. At the
22 corner, there's a large multifamily building, but
23 on this block, if you're facing it, they're small
24 scale residential structures. This fits perfectly
25 in there.

1 CHAIRPERSON GRULLON: Mr. Spatz, this
2 area is described as low residential?

3 MR. SPATZ: It's low density
4 residential, yes. The commercial portion of
5 Bergenline, I think goes down to about 8th Street,
6 this is below that.

7 CHAIRPERSON GRULLON: As you know, this
8 is an undersized lot and that may be the reason
9 why you're here because it's an undersized lot.
10 You're only proposing 10 foot rear yard, when it's
11 20 feet is required.

12 MR. PEREIRAS: Correct.

13 CHAIRPERSON GRULLON: But you're
14 proposing a roof deck?

15 MR. PEREIRAS: Correct.

16 CHAIRPERSON GRULLON: You don't see any
17 issues interfering with anyone on the adjacent
18 property, unless we open it to the public and we
19 hear from the public later. But is that roof deck
20 being proposed just for the upper unit or it's
21 going to be proposed for both units?

22 MR. PEREIRAS: So that's exactly why we
23 proposed the roof deck because of the limited rear
24 yard. So the lower apartment is going to have the
25 rear yard and has the entrance through there. And

1 then the upper apartment has the roof deck. So
2 that one stair, this stair is only for apartment
3 number two. And this stair internal is only for
4 apartment number one. So apartment number one has
5 the rear yard, goes in through here. And
6 apartment number two goes in through here,
7 apartment, and has the roof deck. So each unit
8 has its own outdoor space.

9 CHAIRPERSON GRULLON: As you mentioned,
10 you know this area is a low residential, you
11 already have an existing building on the south
12 corner that I believe is three or four floors
13 high.

14 MR. PEREIRAS: Um-hum.

15 CHAIRPERSON GRULLON: And there is a mix
16 of business and other multifloor structures there?

17 MR. PEREIRAS: There is.

18 CHAIRPERSON GRULLON: I want to hear
19 first from the Board members. Any members of the
20 Board have any questions on this application?
21 Hearing none, do you have any other witnesses?

22 MS. PEREIRAS: We do not, Mr. Chair.

23 CHAIRPERSON GRULLON: At this time, I
24 want to open to the public. Any members of the
25 public want to step forward? Hearing none, taking

1 into consideration that this is going to improve
2 the condition of the building and make it more
3 safer, provide parking, if it's permitted by
4 building department, I make a motion to grant this
5 application.

6 VICE CHAIRPERSON GUTIERREZ: I'll
7 second.

8 MR. VALLEJO: Motion on the table to
9 grant the application by Mr. Gullon, seconded by
10 Ms. Gutierrez. Roll call on the motion to grant
11 this application. Mr. Gullon.

12 CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Ms. Gutierrez.

14 VICE CHAIRPERSON GUTIERREZ: Yes.

15 MR. VALLEJO: Ms. Pena.

16 MS. PENA: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. Watley.

20 MS. WATLEY: Yes.

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

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GERMAN MONSALVE & MIRYAM JARAMILLO -
306 A 40TH STREET:

MR. VALLEJO: Next application on tonight's agenda, German Monsalve and Miryam Jaramillo, 306 A 40th Street. Ms. Pereiras, please.

MR. PANEQUE: Let the record reflect I've been provided by Ms. Pereiras with the certification as to publication and service with respect to the property at 306 A 40th Street in Union City.

I've also been provided with an affidavit of publication from The Jersey Journal, giving notice of this application at this location for today's date. That affidavit indicates that the notice was published on October 3, 2022.

I've also been provided with a tax list from the tax assessor's office noting all property owners within the 200 foot radius with the date of October 4, 2022, as well as the certified mail receipts with a date of October 3, 2022.

Based on the information provided, this Board has jurisdiction to proceed and hear this matter.

1 MS. PEREIRAS: Thank you, Counsel.
2 Again, Bianca Pereiras on behalf of the applicant
3 for 306 A 40th Street, also known as Lots 12.05
4 and 13.05 in Block 236. Existing, we have a
5 two-family home. The application before the Board
6 this evening is to legalize the ground floor unit.
7 We're located in the R low density residential
8 zone. And we have one witness to testify before
9 the Board, that is our architect, Mr. Manuel
10 Pereiras.

11
12 M A N U E L P E R E I R A S, previously sworn:

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

16 MS. PEREIRAS: Mr. Pereiras, are you
17 familiar with the address in question?

18 MR. PEREIRAS: Yes, I am.

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

21 MR. PEREIRAS: I have.

22 MS. PEREIRAS: Would you kindly describe
23 the proposal before the Board.

24 MR. PEREIRAS: I'd be very happy to.
25 We're dealing with an existing building and this

1 Board has seen applications for the buildings on
2 both sides of this property that we've legalized
3 in the past. And we have the opportunity today
4 here to legalize this one, which we're going to be
5 able to bring it up to code, which is going to be
6 a huge benefit for the neighborhood in general.

7 We have an undersized lot, we are
8 20 feet wide and we are 62 feet in depth. So we
9 have two existing nonconformities for lot depth
10 for lot width and for lot area, which we're at
11 1,250.

12 That, of course, triggers a series of
13 other nonconformities. We have a front yard --
14 there's a typo. There is a 10 foot front yard on
15 that property, it is setback from the other
16 buildings. And then we have a rear yard that is
17 only 10 feet, whereas 20 is required. So we're
18 asking for a variance for existing nonconformity.
19 That is a typo we stated none, but there is a
20 variance requested there. There is of course a
21 variance for side yard since we're on the property
22 line on both sides and no variances for building
23 height. There is a variance for building
24 coverage, we're not changing that in any way, but
25 we're at 68 percent, whereas 65 is permitted. And

1 we have no variance for maximum lot coverage. And
2 we are expanding our parking variance. We have
3 two existing parking spaces within the structure,
4 whereas six are going to be required with the
5 proposal that we're making.

6 I'm turning now to sheet Z02. And on
7 Z02, we see the existing and proposed conditions
8 which are one and the same. As you can see, there
9 are two apartments above that are identical, there
10 are two bedroom apartments in the rear. And what
11 we're working on is on the ground floor. We have
12 a garage on the right hand side and you have an
13 apartment that is in the rear of that garage. The
14 entry door is the same location as the other two
15 apartments, there's a small hallway and that leads
16 to apartment number one. And there is a living
17 room, kitchen, dining room area, and then an
18 existing bedroom.

19 For the purposes of code, that bedroom
20 might be demolished at the building department.
21 And this might be, at the building department
22 level, considered a studio apartment. But we
23 are -- the existing conditions currently is a
24 one-bedroom unit. The entire square footage of
25 that unit is 368 square feet. We have no ability

1 to take from anywhere there. And I also want to
2 make one correction. I said that it is two -- we
3 have parking for two cars, we only have parking
4 for one car. Code compliant, we have enough
5 parking, there's enough space there for one car.

6 If this application were deemed
7 favorably by the Board, it significantly improves
8 the life and safety of not only the inhabitants
9 above, but of the entire neighborhood. It would
10 increase the code compliance of this to today's
11 standards. We would have a two hour fire
12 separation between that unit and the rest of the
13 apartments and the rest of the building.

14 There will be a domestic line sprinkler
15 system into that unit as well as the upgrade to
16 all the fire alarm devices and all other fire code
17 safety. And that concludes my testimony.

18 CHAIRPERSON GRULLON: Thank you, Mr.
19 Pereiras. Mr. Pereiras, you mentioned at the
20 beginning of your presentation that the adjacent
21 properties, they have more or less the same
22 condition as this one?

23 MR. PEREIRAS: They're almost identical.

24 CHAIRPERSON GRULLON: How many other
25 properties are --

1 MR. PEREIRAS: I believe the ones
2 immediately on both sides of it.

3 CHAIRPERSON GRULLON: Okay. And your
4 proposal is to legalize the ground floor unit?

5 MR. PEREIRAS: Yes.

6 CHAIRPERSON GRULLON: That is existing?

7 MR. PEREIRAS: Correct and currently
8 inhabited.

9 CHAIRPERSON GRULLON: Making any changes
10 besides changing the safety condition?

11 MR. PEREIRAS: Only the requirements
12 that will be needed by the building department.
13 We propose no changes to the exterior of the
14 building and no changes to the --

15 CHAIRPERSON GRULLON: The footprint of
16 the building will remain the same, rear yard --

17 MR. PEREIRAS: Yes.

18 CHAIRPERSON GRULLON: And the amount of
19 bedrooms will remain the same?

20 MR. PEREIRAS: Everything remains the
21 same. It is very possible when we get to the
22 building department, we might reduce one bedroom
23 and that might become a studio apartment. But
24 we're -- but this is a preexisting nonconforming
25 structure.

1 CHAIRPERSON GRULLON: I see one
2 apartment is 368 square feet?

3 MR. PEREIRAS: That is correct.

4 CHAIRPERSON GRULLON: I don't have
5 anymore questions. Any members of the Board want
6 to have anything to say about this application?
7 Hearing none, do you have any other witnesses, Ms.
8 Pereiras?

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

10 CHAIRPERSON GRULLON: At this time, I'm
11 going to open to the public. Any members of the
12 public want to step forward?

13 MR. GARCIA: Andreas Garcia. Is it not
14 a good opportunity, Mr. Pereiras, to convert it
15 into a studio, since it's so small? And the
16 quality of unit that you always come in to
17 present, they're really, really an up standard.

18 MR. PEREIRAS: Quite frankly it is going
19 to become a studio apartment once we get to the
20 building department. And if this Board would feel
21 comfortable calling it a studio at this junction,
22 we're fine with that.

23 MR. GARCIA: Okay, thank you.

24 CHAIRPERSON GRULLON: Yes. And that was
25 going to be my recommendation, such a small unit

1 368 square foot. I think it's better just to
2 present it as a studio apartment, that way you go
3 with a clean record to the building department
4 instead of creating a situation there.

5 MR. PEREIRAS: I agree, thank you.

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

9 With that, I make my motion to grant
10 this application with the condition to make the
11 ground floor a studio apartment.

12 MR. VALLEJO: Revised plans?

13 CHAIRPERSON GRULLON: Revised plans
14 required.

15 MS. PEREIRAS: Okay.

16 MR. VALLEJO: Motion on the table to
17 grant this application by Mr. Grullon. Any second
18 on the motion?

19 VICE CHAIRPERSON GUTIERREZ: Second with
20 all the condition.

21 MR. VALLEJO: Seconded by Ms. Gutierrez.
22 Roll call on the motion to grant this application
23 with the condition, revised plans required. Mr.
24 Grullon.

25 CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

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

4 MR. VALLEJO: Ms. Pena.

5 MS. PENA: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Ms. Watley.

9 MS. WATLEY: Yes.

10 MR. VALLEJO: Five in favor, motion
11 carries.

12 MS. PEREIRAS: Thank you very much.

13 MR. PEREIRAS: Thank you.

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1 **MICELLE NEEDHAM -**

2 **505 PALISADE AVENUE:**

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4 MR. VALLEJO: The last application on
5 tonight's agenda, Micelle Needham, 505 Palisade
6 Avenue. Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect
8 I've been provided by Ms. Pereiras with a
9 certification as to publication and service,
10 giving notice of this application for 505 Palisade
11 Avenue at tonight's meeting, at this location.

12 I've also been provided with an
13 affidavit from The Jersey Journal, which was
14 published on 10/3/22, giving notice of this
15 application for the property located at 505
16 Palisade Avenue, with notice of the hearing at
17 this location.

18 I've also been provided with a list of
19 all property owners within a 200 foot radius of
20 505 Palisade Avenue, said list has a date of
21 September 16, 2022. And I've been provided with
22 the certified mail receipts with a postmark date
23 of October 1.

24 Based on the documentation provided,
25 this Board has jurisdiction to proceed and hear

1 this matter.

2 MS. PEREIRAS: Thank you very much,
3 Counsel. Bianca Pereiras on behalf Micelle
4 Needham for property at 505 Palisade Avenue, also
5 know as lot 3 in Block 25.

6 Ms. Needham purchased this property in
7 2004. Shortly thereafter, she requested and was
8 issued permits to legalize a second unit to
9 convert it from a one-family to a two-family and
10 work was performed. For whatever reason, nobody
11 was able to find that those permits were closed
12 out or issuing a CO. We're here to rectify that
13 issue by coming before the Board to legalize that
14 second unit. We have one expert to testify and
15 that is our architect, Mr. Manuel Pereiras.

16

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

18

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

21 We have a fully compliant lot as far as
22 dimensions, it's 25 by 100, 2,500 square feet in
23 size. There is zero side yards preexisting on the
24 house, there's a zero front yard. So those are
25 existing nonconformities. However, the rear yard

1 in this makes up for all the other rear yards that
2 we heard today, it's 57 feet, almost 58 feet in
3 depth and we're keeping that. It's a beautiful
4 deep rear yard.

5 We're actually not proposing any changes
6 whatsoever to this house. It is an existing -- it
7 is being used as an existing two-family, it's been
8 used as an existing two-family, at least to 2004
9 and I'm going to walk you through that house right
10 now. There is an existing basement, it is not
11 being used. The ground floor, you enter from this
12 point, which is recessed into the house. You have
13 two bedrooms, one along the front and one along
14 the rear. And there's a kitchen, dining room,
15 living space in between.

16 And then the second floor, you take the
17 stairs at this point up to the second floor on the
18 front of the house. And you have a living room,
19 dining room, kitchen area with a bedroom. And
20 then there's a spiral stair actually very nice
21 that takes you up to a family room in the attic
22 space.

23 There's an existing carport along the
24 front of the property with its existing driveway
25 curb cut. We're not proposing any changes to that

1 either. It's really just a matter of going
2 through the motions to make sure it's code
3 compliant. This is, for the most part, already
4 code compliant. My walkthrough, it meets all the
5 requirements, but we're going through those
6 motions here today.

7 We have a few variances, they're all
8 existing nonconformities. Front yard, existing
9 nonconformity, side yard. And parking because
10 technically we're expanding on that parking, we
11 had a one-family which is now two-family, so we're
12 increasing that parking demand to four units,
13 whereas we only have one parking space. So we are
14 requesting a parking variance.

15 And if you look at the facade, it's a
16 very cute little house that we're not planning to
17 touch in any way. That concludes my testimony.

18 CHAIRPERSON GRULLON: That concludes
19 your testimony. Ms. Pereiras, you mentioned that
20 they requested for permits to convert to
21 two-family, when was that?

22 MS. PEREIRAS: They pulled permits in
23 2005.

24 CHAIRPERSON GRULLON: 2005 and they
25 proceed with the?

1 MS. PEREIRAS: They did the work,
2 correct. And, unfortunately, we cannot find proof
3 that those permits were closed out.

4 CHAIRPERSON GRULLON: I mean this
5 application, I don't have any questions. I want
6 to say, you know, this is one of the best
7 applications that you've had. It's the winner of
8 this year, and just keep bringing applications
9 with a 50 foot rear yard. Any members of the
10 Board have any questions?

11 MS. PEREZ: I was going to ask where is
12 the parking, on the right?

13 MR. PEREIRAS: It's right on the right,
14 it's very tiny. It's existing and they park a car
15 there, it's very tiny.

16 CHAIRPERSON GRULLON: Is that a car
17 parked in the driveway?

18 MS. PEREZ: I didn't know if you pull in
19 front of the house, but it's on the side?

20 MR. PEREIRAS: It's right on the side.
21 If you see this portion right here, it's actually
22 seven foot six wide.

23 CHAIRPERSON GRULLON: Any members of the
24 public want to step forward for this application?
25 Hearing none, close to the public.

1 Considering that this really is a smart
2 application, they are keeping the rear yard to
3 57 feet, I make a motion to grant this
4 application.

5 MR. VALLEJO: Motion in favor to grant
6 this application by Mr. Grullon.

7 VICE CHAIRPERSON GUTIERREZ: I'll
8 second.

9 MR. VALLEJO: Seconded by Ms. Gutierrez.
10 Roll call on the motion to grant this application.
11 Mr. Grullon.

12 CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Ms. Gutierrez.

14 VICE CHAIRPERSON GUTIERREZ: Yes.

15 MR. VALLEJO: Ms. Pena.

16 MS. PENA: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. Watley.

20 MS. WATLEY: Yes.

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

23 MS. PEREIRAS: Thank you all very much.
24 Have a good night.

25 MR. VALLEJO: Congratulations. Remember

1 next hearing on 1600 Kerrigan Avenue, Sara Gilmore
2 School, same time.

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ADOPTION OF RESOLUTIONS:

(1.) Paneque, G & C E Loven, 927 18th Street.
Block: 95 Lot: 11, 12.01. Application proposed
converting existing daycare space into one
residential unit, three existing apartments to
remain for a total of four residential units

Approved

MR. VALLEJO: We're going to move to
adoption of resolutions. Paneque, G and C E
Loven, 927 18th Street. This was approved at the
previous meeting. Can I have a motion to
memorialize this resolution?

CHAIRPERSON GRULLON: Motion.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Motion by Mr. Grullon,
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.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

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

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1 **ADOPTION OF RESOLUTION:**

2 (2.) Jacques Minoyan 516 25th Street. Block: 142
3 Lot 28 legalization: From 1 family into a two
4 family. **Approved**

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6 MR. VALLEJO: Resolution number two,
7 Jacques Minoyan, 516 25th Street. This
8 application was approved at the previous meeting.
9 Can I have a motion to memorialize this resolution?

10 CHAIRPERSON GRULLON: Motion.

11 MR. VALLEJO: Motion by Mr. Grullon.

12 VICE CHAIRPERSON GUTIERREZ: Second.

13 MR. VALLEJO: Seconded by Ms. Gutierrez.

14 Roll call on the motion. Mr. Grullon.

15 CHAIRPERSON GRULLON: Yes.

16 MR. VALLEJO: Ms. Gutierrez.

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 MR. VALLEJO: Ms. Pena.

19 MS. PENA: Yes.

20 MR. VALLEJO: Ms. Perez.

21 MS. PEREZ: Yes.

22 MR. VALLEJO: Ms. Watley.

23 MS. WATLEY: Yes.

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

ADOPTION OF RESOLUTION:

(3.) GN Management, Inc 704 Palisade Avenue.
Block: 186 Lot 7. The applicant proposes to
construct a third floor and an addition to the
rear of an existing two family dwelling. Withdrawn

MR. VALLEJO: Resolution number three,
GN Management, Inc., 704 Palisade Avenue. This
application was withdrawn by the applicant's
attorney. Can I have a motion memorialize to the
resolution.

CHAIRPERSON GRULLON: Motion.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Motion by Mr. Grullon,
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.

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

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ADOPTION OF RESOLUTION:

(4.) 716 Capital LLC, 716 29th Street. Block: 162
Lot: 9 the applicant proposes to construct a rear
addition to existing four units dwelling. Approved

MR. VALLEJO: Moving to resolution
number four, 716 Capital, LLC, 716 29th Street.
This application was approved at the previous
meeting. Can I have a motion to memorialize the
resolution?

MS. PENA: Motion.

MR. VALLEJO: Motion by Ms. Pena.

VICE CHAIRPERSON GUTIERREZ: Second.

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

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

1 carries.

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1 **ADOPTION OF RESOLUTION:**

2 (5.) Saturnino Guaman & Cruz, Gregoria. 3401
3 Hudson Avenue Block: 207, Lot: 7. The applicants
4 propose a small addition to an existing two family
5 dwelling and legalize as existing third unit in
6 the basement and driveway. Approved

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8 MR. VALLEJO: Resolution number five,
9 Saturnino Guaman and Cruz, Gregoria, 3401 Hudson
10 Avenue. This was approved at the previous
11 meeting. Can I have a motion to memorialize this
12 resolution?

13 CHAIRPERSON GRULLON: Motion.

14 VICE CHAIRPERSON GUTIERREZ: Second.

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

18 CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: 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: Five in favor, motion
3 carries.

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1 **ADOPTION OF RESOLUTION:**

2 (6.) TJ Property Realty, LLC, 507 32nd Street.
3 Block: 170 Lot: 27. The application proposes the
4 conversion of a music store and conservatory to
5 pharmacy retail plus four residential units.

6 **Approved**

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8 MR. VALLEJO: Resolution number six, TJ
9 Property Realty, LLC, 507 32nd Street. This
10 application was approved at the previous meeting.
11 Can I have a motion to memorialize this
12 resolution?

13 CHAIRPERSON GRULLON: Motion.

14 VICE CHAIRPERSON GUTIERREZ: Second.

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

18 CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: 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: Five in favor, motion
3 carries.

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ADJOURNMENT :

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

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez.

MS. PENA: Second.

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

(All Board Members indicate in the affirmative.)

MR. VALLEJO: The ayes have it.

Thank you. Good night. Have a nice rest of the month.

(Whereupon the matter was adjourned.)

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