

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING : TRANSCRIPT OF
: :
: :
-----: PROCEEDINGS

Sara Gilmore Academy
1600 Kerrigan Avenue
Union City, New Jersey

THURSDAY, DECEMBER 8, 2022
Commencing at 6:06 p.m.

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

VICTOR M. GRULLON, Chairperson
MARGARITA GUTIERREZ, Vice Chairperson
MIGUEL ORTIZ (ARRIVED 6:21 PM)
ROSIO PENA, Alternate #1
GERALDINE PEREZ, Alternate #2

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

RAYMOND CETINICH
LIBERO MAROTTA
MINDRY WATLEY

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

TOMAS PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

SUSAN BISCHOFF, CCR, RPR
449 Columbia Blvd., Wood-Ridge, NJ 07075
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Realty, LLC

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, J.F.K. Realty, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Christoff Schluender

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Jorge &
Zaida Turbay

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Alicia &
Oswaldo Toro

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 38 Realty, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Jorge Perez

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Alicia & Oswaldo Toro
537 27th Street

WITNESS

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MANNY PEREIRAS

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38 Realty, LLC
611 38th Street

WITNESS

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MANNY PEREIRAS

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314 37th, LLC
314 37th Street

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MANNY PEREIRAS

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J.F.K. Realty, LLC
4614 Kennedy Boulevard

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MANNY PEREIRAS

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Christoff Schluender
1801-1803 Cliff Street

WITNESS

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MANNY PEREIRAS

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1 MR. VALLEJO: May I have your attention,
2 please? Please take notice that on Tuesday,
3 December 8, 2022, at 6:00 p.m., a regular meeting
4 is scheduled for the Union City Zoning Board of
5 Adjustment to be held in the Sara M. Gilmore
6 Academy, 1600 Kerrigan Avenue, Union City, New
7 Jersey.

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

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

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

20
21 (Whereupon the Pledge of Allegiance was
22 recited.)

23
24 MR. VALLEJO: Thank you.
25

ROLL CALL:

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

Mr. Grullon.

CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Mr. Marotta is absent.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent, he's on his way.

Ms. Watley is absent.

Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Mr. Cetinich is absent.

Let the record indicate there are four present.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: We're going to move to approval of previous meeting minutes, November 10, 2022. Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.

Roll call on the motion.

Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Four in favor, motion carries.

* * * *

1 **AYOUB BROTHERS REALTY, LLC -**
2 **4007 BERGENLINE AVENUE:**

3
4 MR. VALLEJO: Moving on with tonight's
5 agenda, Ayoub Brothers Realty, LLC, 4007
6 Bergenline Avenue. Mr. Mulkay, please.

7 MR. MULKAY: Good evening, Mr. Chairman,
8 Members of the Board, Alain Mulkay from Mulkay and
9 Rendo on behalf of the applicant, Ayoub Brothers,
10 LLC. This is a request -- this was an approval
11 that was granted in November 2018 to approve --
12 legalize an existing apartment. The project got
13 delayed initially because of financing and then
14 the COVID pandemic obviously happened. My client
15 has construction plans, they've all been submitted
16 to the City, the City has reviewed then. And
17 basically, the building department, we're looking
18 for an extension so he can move forward to
19 legalize the apartment.

20 CHAIRPERSON GRULLON: Mr. Mulkay, is
21 this the first request?

22 MR. MULKAY: This is our first request,
23 yes.

24 CHAIRPERSON GRULLON: Is your client
25 ready to proceed to construction now?

1 MR. MULKAY: The construction plans have
2 been submitted. Our understanding is that the
3 building department is waiting for the resolution
4 to then review the plans and issue the permits,
5 yes.

6 CHAIRPERSON GRULLON: I don't see any
7 problem with that. Any of the Members of the
8 Board have questions for this?

9 MR. PANEQUE: Mr. Mulkay, the resolution
10 is dated November 1, 2018?

11 MR. MULKAY: Correct.

12 MR. PANEQUE: Are you requesting that
13 the matter have special extension because of
14 COVID?

15 MR. MULKAY: Yes, exactly. So we would
16 have had an extension during the COVID period, but
17 technically we would need an extension that would
18 go from November of '19 into the pandemic period.
19 And then the pandemic -- the emergency declaration
20 ended in June of 2021 -- sorry, December 2021
21 because it was six months after the declaration.
22 So we would neither an extension from December of
23 2021, two year extension to December 2023, because
24 I don't think the building department will issue
25 the permits by the end of this month, as a

1 practical matter.

2 MR. PANEQUE: How long of an extension
3 are you looking for?

4 MR. MULKAY: Two years because -- the
5 COVID period was a year and a half, that was
6 extended by operation of law.

7 MR. PANEQUE: And that two years would
8 run from when to when?

9 MR. MULKAY: December of 2021 to
10 December of 2023.

11 MR. PANEQUE: Okay. So one year has
12 already almost lapsed on that?

13 MR. MULKAY: Correct, but we should be
14 ready, hopefully the building department will
15 issue permits by January.

16 MR. PANEQUE: So then the extension will
17 read that the extension will be granted through
18 and including December 31, 2023?

19 MR. MULKAY: Correct.

20 MR. PANEQUE: Okay. And that
21 encompasses your two year extension?

22 MR. MULKAY: Correct.

23 CHAIRPERSON GRULLON: Mr. Paneque, the
24 question is since the approval already expired,
25 are we under jurisdiction to grant the extension?

1 MR. PANEQUE: Well, the moratorium went
2 into effect, as Mr. Mulkay pointed out, and during
3 moratorium period, there's actually a moratorium,
4 nothing is running at that time. So he's still
5 technically in time to apply, if we're running the
6 two year period from December of 2021, he still
7 would have -- at the end of the two year period,
8 he would have been able to apply for the first
9 extension and the extension is for one year.

10 MR. MULKAY: Correct.

11 MR. PANEQUE: But it would be through
12 2022.

13 MR. MULKAY: 2023.

14 MR. PANEQUE: 2023, okay.

15 CHAIRPERSON GRULLON: December 20, 2223.

16 MR. PANEQUE: Your clients are ready to
17 proceed?

18 MR. MULKAY: Yes. The construction
19 plans are in the building department.

20 MR. PANEQUE: There's very little chance
21 that you'll be coming back for any other
22 extensions?

23 MR. MULKAY: I hope not, I hope not.
24 Unless the building department doesn't issue the
25 permits.

1 MR. PANEQUE: Understood.

2 MR. VALLEJO: Open to the public.

3 CHAIRPERSON GRULLON: Okay. Nothing
4 from the Board Members. At this time, any members
5 of the public want to step forward on this
6 application? Bergenline Avenue, hearing none,
7 close to the public.

8 Considering this is the first extension
9 that you're requesting and this Board right now
10 is -- we are in the position that we're not
11 granting second extensions, just do your best to
12 get this construction going with the approval of
13 the December 2023.

14 MR. MULKAY: Okay.

15 CHAIRPERSON GRULLON: I make a motion to
16 grant the application.

17 MR. VALLEJO: Motion on the table to
18 grant the application by Mr. Grullon.

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

21 MR. VALLEJO: Seconded by Ms. Gutierrez.
22 Roll call on the motion.

23 Mr. Grullon.

24 CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 VICE CHAIRPERSON GUTIERREZ: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: Yes.

4 MR. VALLEJO: Ms. Perez.

5 MS. PEREZ: Yes.

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

8 MR. MULKAY: Thank you, thank you.

9 Happy holidays to everybody.

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1 **ADOPTION OF RESOLUTIONS:**

2 (1.) Michael B. Hern 317 4th Street Block: 13
3 Lot: 13 legalization of an existing basement
4 apartment to go from a two family to a
5 three-family home **Approved**

6 (2.) Resolution appointing the Zoning Board of
7 Adjustment secretary for the year 2023.

8 (3.) Resolution to approve the Zoning Board of
9 Adjustment schedule for the year 2023.

10
11 MR. VALLEJO: We are going to change
12 little bit the order of tonight's agenda, we're
13 going to move now to resolutions. We have three
14 resolutions on tonight's agenda.

15 Resolution number one, Michael B. Hern,
16 317 4th Street, this application was approved at
17 the previous meeting.

18 Resolution number two, appointing the
19 zoning board of adjustment secretary for 2023

20 Resolution number three, approve the
21 Zoning Board of Adjustment schedule for the year
22 2023.

23 Can I have a motion?

24 CHAIRPERSON GRULLON: Motion.

25 MR. VALLEJO: Motion by Mr. Grullon.

1 VICE CHAIRPERSON GUTIERREZ: Second.
2 MR. VALLEJO: Seconded by Ms. Gutierrez.
3 Roll call on the motion.
4 Mr. Grullon.
5 CHAIRPERSON GRULLON: Yes.
6 MR. VALLEJO: Ms. Gutierrez.
7 VICE CHAIRPERSON GUTIERREZ: Yes.
8 MR. VALLEJO: Ms. Pena.
9 MS. PENA: Yes.
10 MR. VALLEJO: Ms. Perez.
11 MS. PEREZ: Yes.

12 * * * *

1 **2705 BERGENLINE, LLC -**

2 **2705 BERGENLINE AVENUE:**

3
4 MR. VALLEJO: We are going to move to
5 number two now, 2705 Bergenline Avenue.

6 MR. PANEQUE: Thank you. Let the record
7 reflect that I've been provided with a letter
8 dated December 6, 2022 from the firm of Lopez
9 Noris, LLC. This letter is from Adolfo Lopez and
10 it's addressed to the Zoning Board, attention
11 Carlos Vallejo, Board Secretary, regarding the
12 application for 2705 Bergenline Avenue, Union
13 City, New Jersey.

14 The letter states as follows: Dear Mr.
15 Vallejo, I have been advised that the architect in
16 charge of this project is not available to
17 participate in the hearing scheduled for
18 December 8th. Accordingly, I hereby request that
19 this application is scheduled for and included in
20 the January 2023 agenda. Thank you for your
21 cooperation and kindly advise.

22 Mr. Chairman, the request is to carry
23 this matter. This matter was heard -- started
24 last month, where jurisdiction was acquired by the
25 Board. Based on the letter from Mr. Lopez, it

1 appears they do not have an expert that they
2 needed to present tonight and the request is to
3 carry the matter to the January meeting.

4 MR. VALLEJO: January 12th.

5 MR. PANEQUE: January 12th.

6 CHAIRPERSON GRULLON: Mr. Paneque, the
7 attorney rights, do we have to do anything with
8 that?

9 MR. PANEQUE: I will get ahold of Mr.
10 Lopez and I will make sure that the statutory time
11 periods for the Board to hear the application are
12 waived. The Board has already opened up the
13 application and it's in the process of hearing it.
14 So it's his request, he cannot use the statutory
15 time frame to get this application through without
16 Board approval.

17 CHAIRPERSON GRULLON: With that, I make
18 a motion to adjourn to the next Board meeting of
19 January 12th.

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

22 MR. VALLEJO: Motion on the table to
23 adjourn this application for January 12, 2023, by
24 Mr. Grullon, seconded by Ms. Gutierrez.

25 Roll call on the motion.

1 Mr. Grullon.

2 CHAIRPERSON GRULLON: Yes.

3 MR. VALLEJO: Ms. Gutierrez.

4 VICE CHAIRPERSON GUTIERREZ: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

9 MR. VALLEJO: Four in favor motion
10 carries.

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1 **ALICIA & OSWALDO TORO -**
2 **537 27TH STREET:**

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4 MR. VALLEJO: Mr. Ortiz is on his way,
5 we are going to --

6 MR. PANEQUE: Before we do that, if I
7 may suggest, Ms. Pereiras? The rest of the
8 applications are yours. Now, you have a number of
9 them and we're only -- even if Mr. Ortiz steps in,
10 we're only going to have five members. Do you
11 have any that are a use variance?

12 MS. PEREIRAS: I have two that don't
13 have a use variance.

14 MR. PANEQUE: It's your choice to
15 proceed with five members or adjourn, what do you
16 want to do?

17 MS. PEREIRAS: I'd like to check with
18 each one of my clients and see what their decision
19 is.

20 MR. PANEQUE: We'll do that. Two minute
21 break while counsel speaks to her clients.

22

23 (Whereupon a short recess was taken.)

24

25 (Mr. Ortiz arrives at the meeting at

1 6:21 p.m.)

2

3 MR. VALLEJO: On the record. May I have
4 your attention, please. Next application on
5 tonight's agenda --

6 MR. PANEQUE: Mr. Vallejo, based on the
7 fact that we have an expectation of another member
8 showing up and I'm advised by Ms. Pereiras that
9 she has two applications that would not require a
10 use variance or a super majority vote, number
11 seven and number eight, I would suggest that we
12 switch the order and we go with number seven, 537
13 27th Street.

14 MR. VALLEJO: We are going to move now
15 to number seven, 537 27th Street, Alicia and
16 Oswaldo Toro. Ms. Pereiras, please.

17 MS. PEREIRAS: Good evening, Members of
18 the Board, may it please the Board, Bianca
19 Pereiras on behalf of Alicia and Oswaldo Toro for
20 property located at 537 27th Street, also known as
21 Lot 27 in Block 148. Our jurisdictional
22 submissions were presented at the last meeting and
23 the Board accepted jurisdiction.

24 The application before the Board this
25 evening is to convert a commercial space back to

1 residential. This is a one to a two-family and
2 two families are permitted because we are in the R
3 low density residential zone.

4 We have one expert to testify before the
5 Board this evening and that is our architect, Mr.
6 Manuel Pereiras.

7

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

10

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

14 MS. PEREIRAS: For purposes --

15 CHAIRPERSON GRULLON: We accept your
16 qualifications, Mr. Pereiras.

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

18 MS. PEREIRAS: Mr. Pereiras, are you
19 familiar with the property at 537 27th Street?

20 MR. PEREIRAS: I am.

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

23 MR. PEREIRAS: I did.

24 MS. PEREIRAS: And would you kindly
25 describe the proposal for the Board?

1 MR. PEREIRAS: I'd be very happy to. On
2 the easel to my right are the same drawings that
3 were submitted to the Board, they're simply on the
4 easel for this presentation. We have a very
5 simple project for you here. We have an existing
6 building, it's an existing two-family. However,
7 those two units aren't recognized in the building
8 department as legal, it's recognized as a
9 commercial building. So we're really just
10 correcting this preexisting nonconformity and
11 legalizing it before the Board today. And
12 hopefully if this Board deems it correct, bringing
13 it up to code so it meets all the requirements of
14 the code.

15 If you look at the drawing and if you
16 look at this picture, you might be slightly
17 perplexed because this building looks like it's
18 been residential for many, many years. Somehow it
19 slipped through the books. We're not looking to
20 make -- we're looking to make as few changes as
21 possible to keep this family without having to,
22 you know -- this humble family, so they're not
23 spending a lot of money and they can maintain
24 their house and they can maintain it in a legal,
25 safe way.

1 We have a few existing nonconformities.
2 One of them is side yard setback. As you can see
3 the building is already touching both sides and
4 front yard setback because the preexisting
5 building is touching the property line. There's
6 no way that we can modify that to make that into
7 more compliance.

8 There's an additional variance for
9 parking, we are utilizing two units, four parking
10 spaces would be required. And again with the
11 preexisting building, there's no way to put
12 parking in this building unless we were to tear it
13 down or make significant changes. There's no
14 ability to do that in this zone. So we're
15 requesting a variance of this Board in order to do
16 that.

17 Walking through, you could see that
18 there are three levels to this building, a
19 basement level, a ground floor and a second floor.
20 There is an apartment on the first floor, the
21 ground floor, and there's an apartment on the
22 second floor. Both are accessed through a door
23 from the sidewalk on the right hand side. That
24 door leads you to apartment number one. Apartment
25 number one is 885 square feet. It has a bedroom

1 in the rear and a bedroom along the front of the
2 building. There's also another bedroom,
3 unfortunately, we can not legalize that because it
4 has no windows. So that is only going to be used
5 as a home office or a den. We're removing the
6 closets from that room so that it meets code.

7 If you take the stairs up to the second
8 floor, it leads you to apartment number two.
9 Apartment number two is a little bit smaller, it's
10 844 square feet. Again, it has one bedroom along
11 the back and two bedrooms along the front. This
12 is a preexisting nonconformity, so we're looking
13 for a few variations on the code in order to
14 legalize that bedroom in the rear. And we're
15 going to be working with the building department
16 to make that happen. But this is a three bedroom
17 apartment on that second floor.

18 We're not looking to make any changes
19 beyond what I show you here, except for code
20 upgrades, such as fire alarms and fire separations
21 that we're having throughout building to make sure
22 it meets today's codes. That concludes my
23 testimony and I'm ready for your questions.

24 MS. PEREIRAS: Mr. Pereiras, very
25 briefly, the minimum front yard setback, can you

1 discuss a little bit about where the property
2 lines up in the front?

3 MR. PEREIRAS: I'd be very happy to. So
4 our property is stepped forward from the two
5 adjoining properties to the sides slightly, and
6 we're right on the property line. Whereas, the
7 code -- the ordinance says we need to be between 7
8 and 10 feet from the front yard setbacks. That's
9 a preexisting nonconforming front yard setback.

10 MS. PEREIRAS: Mr. Pereiras, are we also
11 at 100 percent impervious coverage on this
12 building?

13 MR. PEREIRAS: We are. We are
14 100 percent pervious coverage. Again, that's a
15 preexisting condition, whereas 90 percent is
16 required. We are asking for a variance on that as
17 well. We are at 100 percent, nothing is changing
18 there.

19 MS. PEREIRAS: Okay. Thank you, Mr.
20 Pereiras.

21 CHAIRPERSON GRULLON: Mr. Pereiras, this
22 application is to convert one commercial unit into
23 a residential unit?

24 MR. PEREIRAS: Two residential units.

25 CHAIRPERSON GRULLON: Yeah, which is --

1 the existing condition, where is the commercial
2 unit now?

3 MR. PEREIRAS: So, again, records were
4 very vague, it seems as though the ground floor
5 was a commercial unit. It has not been a
6 commercial unit for many years. I actually think
7 that this probably predates our ordinance and
8 probably in the '70s, but we have no records to
9 prove that.

10 CHAIRPERSON GRULLON: Looking at the
11 picture of the facade, I don't see any commercial.

12 MR. PEREIRAS: That's correct. This is
13 one of those unfortunate situations where the
14 records simply don't reflect reality.

15 CHAIRPERSON GRULLON: As per the memo of
16 the building department, they recognize the second
17 floor unit as an apartment?

18 MR. PEREIRAS: Right.

19 CHAIRPERSON GRULLON: And the ground
20 floor as commercial?

21 MR. PEREIRAS: Right. So we would be
22 converting the ground floor from commercial to
23 residential.

24 CHAIRPERSON GRULLON: And that's
25 something -- is that residential?

1 MR. PEREIRAS: The second floor
2 residential.

3 CHAIRPERSON GRULLON: No, I mean the
4 area.

5 MR. PEREIRAS: The zone -- it's slightly
6 mixed, but mostly residential. And the zone is an
7 R zone, so it's a residential zone.

8 CHAIRPERSON GRULLON: Just residential
9 permitted in the area?

10 MR. PEREIRAS: That's correct.

11 This is not a use variance. The only
12 reason it's here before this Board is because it's
13 exempt from site plan approval and so we fall
14 under this Board. But it is only a two-family and
15 a two-family is permitted in the R zone.

16 CHAIRPERSON GRULLON: Let me ask you,
17 you're asking for variance on the front yard
18 setback, but you're to the property line, you
19 don't have any setback. Could you tell me on this
20 east side or the west side, do they have setbacks?

21 MR. PEREIRAS: They do, they both have
22 small setbacks to each side. The east side has
23 about -- well, actually let me be a little bit
24 more clear. The building proper is setback, but
25 both of them have porches and both porches are

1 right up on the property line.

2 So even though this is asking for a
3 front yard setback, it is consistent with the
4 neighborhood, at least that some form of structure
5 is touching the front property line. So it is
6 consistent and I don't think it's a hindrance to
7 the neighborhood at all that this Board would
8 grant that variance. And it's also a preexisting
9 condition that's been there for, you know,
10 50 years, at least.

11 CHAIRPERSON GRULLON: What other
12 variances are you asking for?

13 MR. PEREIRAS: Preexisting also side
14 yard, preexisting also lot coverage, and the
15 parking variance that we're asking for is actually
16 a reduction in units that we're requesting. As a
17 commercial space, this would require three parking
18 spaces; and as a residential space, it only
19 requires two parking spaces. So although we don't
20 meet the requirements of those two parking spaces,
21 we're actually reducing the demand on this
22 property.

23 CHAIRPERSON GRULLON: The construction
24 or renovations that you're doing, are you going to
25 do anything for safety?

1 MR. PEREIRAS: Absolutely.

2 CHAIRPERSON GRULLON: Can you go over
3 for us?

4 MR. PEREIRAS: So the first thing that
5 we're going to do is we're going to create a fire
6 separation barrier between the ground floor and
7 the second floor above. That fire separation
8 barrier consists of gypsum board that we're going
9 to be laying on to the ceiling. We're going to
10 upgrade the side yard -- the side wall of the
11 building to make sure it's in compliance with code
12 on the ground floor level.

13 We're also going to create 110-volt fire
14 alarm system. So there will be smoke detectors in
15 each of the bedrooms, carbon monoxide detectors in
16 the hallways for that unit. So everything is
17 going to come to today's code and requirements.

18 CHAIRPERSON GRULLON: What about the
19 walls on the side, on the two side?

20 MR. PEREIRAS: So we need to upgrade
21 those to one hour. So there are limitations to
22 that a little bit because we're dealing with
23 preexisting structures, so we can't really tear
24 down everything to rebuild it. So we work with
25 the building department to create as close to the

1 proper barrier as possible there, but we would be
2 upgrading those walls as well.

3 CHAIRPERSON GRULLON: I don't have any
4 other questions, any Member of Board have any
5 questions?

6 VICE CHAIRPERSON GUTIERREZ: Mr.
7 Pereiras, you're going to work on the facade of
8 the building?

9 MR. PEREIRAS: At this point, we're not
10 proposing anything. But if this Board would
11 request something, we would be happy to comply.
12 Right now, we didn't want to spend additional
13 monies of our client.

14 VICE CHAIRPERSON GUTIERREZ: Okay. You
15 know, is there something for the building?

16 MR. PEREIRAS: It could use some tender
17 loving care. I think what we can propose is
18 basically to clean it up a little bit. If you can
19 see -- I'll show you the north facade. What we
20 could do -- actually we are, we're actually
21 already showing in our drawings to replace it with
22 siding. So we're going to be providing siding
23 along the front of the building, which I think is
24 going to be a big difference. It's going to
25 become a uniform color and that alone is going to

1 be significant.

2 VICE CHAIRPERSON GUTIERREZ: It will be
3 something, you know, so it could look better.

4 MR. PEREIRAS: Yeah. We'll do a little
5 stucco base, put trim, and do siding above.

6 VICE CHAIRPERSON GUTIERREZ: Thank you.

7 CHAIRPERSON GRULLON: Any other Member
8 of the Board wants to ask any questions? You say
9 you only have one witness?

10 MS. PEREIRAS: That's correct.

11 CHAIRPERSON GRULLON: Thank you. At
12 this point, I want to open to the public. Any
13 member of the public want to step forward on this
14 application? Mr. Garcia.

15 MR. GARCIA: Andreas Garcia, 121 34th
16 Street. Mr. Pereiras, basically, you are just
17 requesting the preexisting variance, parking?

18 MR. PEREIRAS: Correct.

19 MR. GARCIA: Lot coverage? Side yard?

20 MR. PEREIRAS: So lot coverage, side
21 yard, front yard. And then our -- we are
22 requesting a parking variance, but that's actually
23 a reduction in the number of parking required.

24 MR. GARCIA: Now, are you going to do
25 any structural change?

1 MR. PEREIRAS: The only structural
2 changes are limited to what's required by code so
3 that we could do code upgrades to the apartment.
4 And as was mentioned before, we're going to put
5 siding on the front of the building. There's also
6 a door that is inappropriately in the building,
7 we're removing that door from the front as well.

8 MR. GARCIA: And I hear that this used
9 to be residential actually?

10 MR. PEREIRAS: This is a residential
11 zone and it's a permitted use to have two.

12 MR. GARCIA: On the majority of the
13 facilities there, the houses there are
14 residential?

15 MR. PEREIRAS: Yes. This would be much
16 more in conformance with the zone.

17 MR. GARCIA: Okay, thank you.

18 CHAIRPERSON GRULLON: Any other member
19 of the public want to step forward? Hearing none,
20 close to the public.

21 I'll make a motion based on the --
22 considering that they are going to remove a
23 nonconforming use from the residential lot to make
24 it to be residential and the variances that are
25 requested are preexisting, I make a motion to

1 grant this application.

2 MR. VALLEJO: Motion on the table to
3 grant this application by Mr. Gullon.

4 VICE CHAIRPERSON GUTIERREZ: I'll second
5 it.

6 MR. VALLEJO: Seconded by Ms. Gutierrez.

7 MR. PANEQUE: Mr. Vallejo? For purposes
8 of clarification, Mr. Gullon, your approval is
9 conditioned on the front siding that was discussed
10 during --

11 CHAIRPERSON GRULLON: I believe it's
12 already noted on the plans.

13 MR. PEREIRAS: It's actually on the
14 drawings.

15 CHAIRPERSON GRULLON: It's on the
16 drawings.

17 MR. VALLEJO: All right. Motion on the
18 table to grant this application by Mr. Gullon,
19 seconded by Ms. Gutierrez.

20 Roll call on the motion.

21 Mr. Gullon.

22 CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 VICE CHAIRPERSON GUTIERREZ: Yes, with
25 all the condition.

1 MR. VALLEJO: Mr. Ortiz.

2 MR. ORTIZ: Yes.

3 MR. VALLEJO: Ms. Pena.

4 MS. PENA: Yes.

5 MR. VALLEJO: Ms. Perez.

6 MS. PEREZ: Yes.

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

9 MS. PEREIRAS: Thank you very much.

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1 **38 REALTY, LLC -**
2 **611 38TH STREET:**

3
4 MR. PANEQUE: Let the record reflect as
5 follows. I've been provided by Ms. Pereiras with
6 a certification as to publication and service
7 indicating that notice of tonight's hearing was
8 provided, giving the location of this hearing at
9 1600 Kerrigan Avenue with respect to the
10 application for 611 38th Street.

11 I've also been provided with a list from
12 the tax assessor's office listing all property
13 owners within the 200 foot radius of 611 38th
14 Street. That list has a date of November 23,
15 2022.

16 I've also been provided with the
17 certified mail receipts with a postmark date of
18 November 26th, as well as the affidavit of
19 publication from The Jersey Journal indicating
20 that notice of tonight's hearing with respect to
21 the property at 611 38th Street was published on
22 The Jersey Journal on November 25, 2022. The
23 notice indicates that the hearing will take place
24 at Sara Gilmore School, 1600 Kerrigan Avenue.

25 Based on the documentation that has been

1 provided, this Board has jurisdiction to proceed
2 and hear this matter. Thank you, Ms. Pereiras.

3 MS. PEREIRAS: Bianca Pereiras on behalf
4 of the applicant, 38 Realty, LLC, for property at
5 611 38th Street, also known as Lot 55 in Block
6 260. The property is currently a one-family, the
7 application before the Board this evening is to
8 add an additional unit for a total of two
9 residential units. We are also proposing an
10 addition to increase the living space, but we are
11 going from one unit to two.

12 We have one expert to testify, and that
13 is our architect Mr. Manny Pereiras.

14

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

16

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

19 MS. PEREIRAS: Mr. Pereiras, are you
20 familiar with the property at 611 38th Street?

21 MR. PEREIRAS: I am.

22 MS. PEREIRAS: And did you prepare the
23 drawings for the Board this evening?

24 MR. PEREIRAS: I did.

25 MS. PEREIRAS: And would you kindly

1 describe the proposal for the Board?

2 MR. PEREIRAS: I'd be very happy to.
3 Again, for purposes of the record, on the easel to
4 my right are the same drawings that were submitted
5 to the Board. I'd like to begin my presentation
6 with sheet Z02. And sheet Z02, we can see the
7 existing site plan on the left and the proposed
8 site plan on the right.

9 If you look at the left and you look
10 through the house, this house is a hodgepodge of
11 strange additions that have been done throughout
12 the years, and potentially illegally throughout
13 the years. This entire rear addition is
14 dangerous, it's completely unsuitable for
15 habitation. The front porch is also in pretty bad
16 shape structurally.

17 The applicant today has just purchased
18 this house, he asked me to walk through it. And I
19 gave him the unfortunate news that all of this is
20 in really bad shape. So came to us how are we
21 going to fix this, how are we going to correct
22 this, how are we going to make this into a good
23 building. We're demolishing that entire rear
24 portion. We're using some of the foundations,
25 we're removing some of the foundations as well.

1 And we're removing some of the front as well. And
2 what we're going to do is create more of a
3 traditional two-family house here and improve this
4 in every way possible.

5 So what we have left is this traditional
6 two-family. What's the number one thing that we
7 here in Union City care so much about is parking.
8 So we wanted -- since we're doing such a strong
9 intervention on this building is to obviously
10 provide parking. So we're demolishing that front
11 portion of the building.

12 You can see it a little better in plan
13 view on the second sheet. We're demolishing this
14 front portion and we're creating a carport for the
15 building. There's going to be two columns holding
16 up the second floor and giving us enough space
17 that we can park two cars. And so we are asking
18 this Board for a curb cut along 38th Street and
19 creating space for two cars so that we can take
20 two cars off the street.

21 We are also doing a rear addition to
22 supplement what we're demolishing there. However,
23 our rear addition is going to be more in
24 compliance with the ordinance. We are creating
25 that rear addition a full three foot one from the

1 side yard. And on the other side, we're keeping
2 in line with the building and we're going as far
3 as 15 feet from the rear. And you could see why
4 that's important in our floor plans, which we have
5 on the second page. As you can see in the
6 existing conditions, we're demolishing much of
7 that hodgepodge that you see, including the stairs
8 that are in the dangerous situation.

9 And this is what we're providing a very
10 simple two-family house. You take the steps up,
11 you have two choices, you can go upstairs or you
12 can enter the first apartment. The first
13 apartment is a three bedroom apartment of
14 1,192 square feet. You enter into a beautiful
15 living room, dining room, kitchen area. And then
16 you have the privacy of three bedrooms along the
17 back. There's two baths in total, one being a
18 shared bath and one being a master bathroom with
19 the master closet along the rear.

20 These are modest sizes, the biggest room
21 by far is the master bedroom which is 12'7-by-19.
22 And then the other rooms are 9'7-by-12'4 and
23 12'7-by-10'11. And as you can see, we are
24 requesting a rear yard setback, but that's only to
25 provide adequate space for this living unit.

1 If you go up to the second floor, the
2 second floor apartment is a little bit bigger. It
3 is at 1,335 square feet, that's because it's
4 overhanging those two parking spaces along the
5 front. And it allows us to have a bigger living
6 room, dining room, kitchen space, which is
7 actually very beautiful. We have the kitchen as
8 an L-shape with an island. And then the dining
9 room and living room space, which is a total of
10 12-feet-by-20-feet in depth for that area. And
11 then similar to the bottom floor, we have three
12 bedrooms, two bedrooms with a shared bathroom and
13 then the master bedroom in the rear of the same
14 dimensions below.

15 I'm going to go now and talk a little
16 bit about our variances. Most of these are
17 preexisting nonconformities. We're conforming in
18 lot area, we're conforming in lot size, we're
19 conforming in lot depth. We have an existing
20 front yard setback of 7 feet, we're actually
21 increasing that to 11'7, so no variance is
22 requested there. The rear yard, we are requesting
23 a variance. We're reducing that to 15 feet, we're
24 at 20 is required, but that's a function of
25 creating nice apartments for these families. If

1 we reduce it those additional five feet, we would
2 basically lose another bedroom. And what we want
3 in Union City is families to live here, that's why
4 we were requesting the additional five feet. The
5 side yard we're requesting a variance there.
6 We're expanding on that because of that one side,
7 we're reducing that variance on the other side.

8 The building height is in conformance.
9 We're only a two story building plus a basement.
10 The building height in feet is fully conforming,
11 we're well under the 38 foot limit, we're actually
12 at 28 feet. The building coverage is conforming,
13 65 percent is permitted 62 percent is provided.
14 And the maximum lot coverage is conforming, we're
15 at 90, meeting the requirements.

16 The parking, in theory, we need four
17 parking spaces, we're creating two. We're unable
18 to create more than those two. So we're still
19 seeking a variance for parking.

20 That concludes my testimony. If there
21 are any other questions, I'm open. I do want to
22 add, just on the facade to understand how that
23 overhang works. If you look at the side profile,
24 you can see the cars parked and that second floor
25 overhangs. It's not tight at all, it's a very

1 convenient height. And then the front facade is
2 cleaned up significantly. It's a beautiful simple
3 facade, two column flanking the cars and then two
4 columns flanking the doorway coming in creates a
5 nice little portico. And then the apartment on
6 the second floor.

7 CHAIRPERSON GRULLON: Mr. Pereiras,
8 looking at the facade of the property, you have a
9 nice facade there with the porch and all that.
10 Your proposal is to demolish that area just to
11 create parking?

12 MR. PEREIRAS: So we're demolishing that
13 existing -- might look nice from the photograph,
14 it's not nice in real life, it's in complete --
15 dilapidated. So we're creating basically a porch
16 where the steps are. I'll walk you through it.
17 So we have front steps with a landing. And then
18 this portion, which was the porch is now going to
19 be simply an overhang roof for the second floor.

20 CHAIRPERSON GRULLON: On your proposed
21 site plans, you have a request to open a curb cut,
22 but you see that you have a speed bump right in
23 front of the house?

24 MR. PEREIRAS: We do have a speed bump
25 right in front of the house that doesn't change

1 the application in any way, it doesn't affect us
2 in any way. What does affect us is that there's a
3 tree there, which we're proposing to relocate that
4 existing tree over in front of the steps. So
5 right now that tree is about here, we will propose
6 to put that tree right here in front of our steps.

7 CHAIRPERSON GRULLON: How many units you
8 have in that location now?

9 MR. PEREIRAS: Well, it's recognized as
10 a one family.

11 CHAIRPERSON GRULLON: But you have --

12 MR. PEREIRAS: Illegally, I think
13 there's four units in there that people were
14 renting.

15 CHAIRPERSON GRULLON: This is 38th
16 Street?

17 MR. PEREIRAS: 38th Street.

18 CHAIRPERSON GRULLON: That's going east,
19 it's going to our Union City police department.
20 All the police vehicles, they make a right turn
21 onto Kennedy Boulevard, I'm told by a police
22 person and it's a very busy area.

23 MR. PEREIRAS: This on the opposite side
24 of Kennedy Boulevard.

25 CHAIRPERSON GRULLON: It's Bergen --

1 MR. PEREIRAS: It's the 600 block.

2 CHAIRPERSON GRULLON: It's Kennedy
3 Boulevard --

4 MR. VALLEJO: Bergen.

5 CHAIRPERSON GRULLON: Bergen Turnpike.

6 MR. PEREIRAS: Yeah.

7 MS. PEREZ: What's on Kennedy Boulevard
8 there?

9 MR. PEREIRAS: Let me pull up the map.
10 So Kennedy Boulevard is on the bottom of my plan.
11 And then you're making a right -- actually, no,
12 38th Street comes in this direction. It is to the
13 west of Kennedy Boulevard.

14 CHAIRPERSON GRULLON: To the west.

15 MR. PEREIRAS: So I think it's actually
16 very lightly trafficked? -- light congestion.

17 And again just to remind this Board what
18 we're proposing is a two-family house, which is
19 permitted in the district. We're not asking for
20 anything that's outside of that.

21 CHAIRPERSON GRULLON: And it's an
22 existing condition now with no parking?

23 MR. PEREIRAS: Correct.

24 CHAIRPERSON GRULLON: But by adding
25 parking, you'll be creating a curb cut that's

1 going to remove one or two parking spaces?

2 MR. PEREIRAS: It will remove one
3 parking space off the street. In theory, it
4 creates two parking spaces inside and it could be
5 blocked off in the front. So we're in theory
6 taking two cars off the street.

7 CHAIRPERSON GRULLON: I may have more
8 questions later. Any Board Member has any
9 question?

10 MS. PEREZ: On the --right now, on the
11 second floor, there's no bedroom or bathroom?

12 MR. PEREIRAS: So we labeled it a
13 storage room because it shouldn't be a bedroom.
14 And we labeled it a living room, but both that
15 living room and the storage room are used as
16 bedrooms right now. And as you can see, these are
17 all illegal conditions that exist that our
18 applicant is --

19 MS. PEREZ: Is there a bathroom there?

20 MR. PEREIRAS: I don't see a bathroom
21 there. They might -- there's a bathroom in the
22 hallway on the first floor. So that hallway
23 bathroom is how they get to the bathroom. And
24 then there's a bathroom -- it's a horrible house.
25 It is in really, really bad shape, really

1 configured poorly. Everything is in really bad
2 condition, that's why this application is so
3 important to make this a legal two-family house.

4 VICE CHAIRPERSON GUTIERREZ: So the
5 bathrooms is outside?

6 MR. PEREIRAS: The bathroom is
7 downstairs. So the people upstairs have to go
8 downstairs to the hallway to use the bathroom.

9 CHAIRMAN GRULLON: Mr. Pereiras, are you
10 demolishing the existing building?

11 MR. PEREIRAS: We're not.

12 CHAIRPERSON GRULLON: Because I think
13 this would be a good opportunity, if you're
14 creating a curb cut to do two-family with four
15 parking spaces.

16 MR. PEREIRAS: So the cost of
17 demolishing the entire building is significantly
18 greater than what we're proposing to do here. And
19 I know this Board doesn't care about the finances,
20 but the finances just wouldn't work to tear this
21 down and do a brand new two-family house. We're
22 basically creating half a new two-family house.
23 So we're cutting that cost basically in half by
24 just doing the rear portion.

25 We're using the existing -- if we were

1 to tear this down, we couldn't keep the same
2 setbacks, we would have to cut it in, that means
3 we couldn't use the same foundations. It would be
4 a very different project.

5 CHAIRPERSON GRULLON: What is the size
6 of the lot?

7 MR. PEREIRAS: It's 25-by-100.

8 CHAIRPERSON GRULLON: You have a perfect
9 lot there to create all the setbacks.

10 MR. PEREIRAS: I know that. But if
11 this -- if this weren't to be approved today, then
12 the applicant wouldn't invest that money to tear
13 down and do a new house, he would just leave it
14 the way it is. And then we would be stuck with
15 this house. This is a great opportunity for the
16 City to really fix up a property that is in
17 neglect.

18 CHAIRPERSON GRULLON: Is the owner
19 occupied in any of the property?

20 MR. PEREIRAS: He just purchased the
21 building. So he purchased it came to me, how do
22 we fix this. This was the solution I gave him and
23 now we're before this Board. So it's an empty
24 building since the day he purchased it and he's
25 looking to do something right here.

1 CHAIRPERSON GRULLON: That's also our
2 intention, just to get something right there. And
3 if we have an existing condition now that requires
4 parking, but you're only providing half the
5 parking. The place is empty before he acquired
6 the property, why not come up with what is
7 permitted there?

8 MR. PEREIRAS: Let's talk about this in
9 the sense of a parking variance. The current
10 building is one family, legally recognized as
11 one-family, they have zero parking. They have two
12 car demand and zero provided, so it has a deficit
13 of two cars. Our proposal is a two-family house,
14 we're providing two cars. The deficit is still
15 two cars, that's the same deficit. We're not
16 requesting any expansion on our parking variance.
17 We're not making it any worse for the
18 neighborhood. On the contrary, I feel we're
19 making it better because even though it doesn't
20 count before this Board, everyone in Union City
21 parks cars in front of their driveway. So we're
22 taking three cars and putting it on this lot.

23 CHAIRPERSON GRULLON: Okay.

24 MS. PEREZ: One other question if it
25 were two bedroom apartments, would that impact the

1 parking?

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

3 MS. PEREZ: Still have to be --

4 MR. PEREIRAS: Still have the same
5 requirement.

6 CHAIRPERSON GRULLON: How many bedrooms
7 are we talking?

8 MR. PEREIRAS: It's three bedrooms for
9 each of the units.

10 CHAIRPERSON GRULLON: Just one more
11 time, can you go over the side yards and the rear
12 yard?

13 MR. PEREIRAS: I'd be very happy to. In
14 the rear yard, we have a 15 foot setback, that is
15 a variance, we have a deficit of 5 feet. In the
16 side yard, we have a preexisting nonconformity for
17 the existing structure. That preexisting
18 nonconformity remains the same. We are about a
19 few inches off of the property line along the east
20 side and we are about 2 feet eight inches off on
21 the east side. Where our addition is, we're
22 pushing our building back to 3 foot 1, so we have
23 conformance at least on our addition on that side.
24 And we're maintaining that setback of 8 inches on
25 the east side. So we have an expansion of the

1 side yard back and we are requesting a variance
2 for that. Our front yard, we're set back 11 foot
3 7.

4 CHAIRPERSON GRULLON: When you say
5 you're going to be renovating a portion of the
6 building, which portion, is that the front?

7 MR. PEREIRAS: 100 percent of the
8 building will be renovated.

9 CHAIRPERSON GRULLON: 100 percent. Any
10 opportunity to reduce the setback requirements
11 there?

12 MR. PEREIRAS: I believe we have. The
13 existing building was a lot closer to the property
14 line, we're pushing that back to 3 feet. On the
15 opposite side on the east side, I didn't think
16 there was a need to do that setback because it was
17 all rear yard there. And I didn't think it
18 affected anyone, any neighbor. If this Board
19 decides it's appropriate to set it back to the
20 full two feet, we would be happy to do so. But I
21 don't think from a planning standpoint it makes
22 anything better.

23 And then the rear yard, we're at
24 15 feet, 20 feet would be in compliance. But we
25 would probably lose a bedroom or make the bedrooms

1 smaller if we did that. And I think that as a
2 three bedroom two-family, it makes sense in this
3 neighborhood.

4 CHAIRPERSON GRULLON: How big is the
5 bedroom that you say would be reduced?

6 MR. PEREIRAS: So we have the three
7 bedrooms. The master is 12 feet 7 inches, the
8 second bedroom is 9 feet -- 12 feet 4 inches, and
9 then the third bedroom is 10 feet 11 inches.

10 CHAIRPERSON GRULLON: Okay. Before I
11 make my recommendation, let me hear from the
12 public. Any other Members of the Board? Hearing
13 none, at this time, I'm going to open to the
14 public. Any member of the public want to step
15 forward? Mr. Garcia.

16 MR. GARCIA: I love Union City, that's
17 why I drive around. Mr. Pereiras, looking at the
18 address, I think this is the property, right?

19 MR. PEREIRAS: Yes, it is.

20 MR. GARCIA: Like you mentioned, you
21 have a tree, you have a speed bump, and you have
22 traffic signal there. And you mentioned that
23 you'll move the tree. However, 38th Street is
24 going down, down the hill, right?

25 CHAIRPERSON GRULLON: It's coming up.

1 MR. GARCIA: No, no, it's coming up, but
2 I'm saying the house -- you have to move the tree
3 to the west?

4 MR. PEREIRAS: Correct.

5 MR. GARCIA: Not to the east.

6 MR. PEREIRAS: Correct.

7 MR. GARCIA: Because that's not your
8 property. If you move the tree to the west, you
9 have, in the west side of the property, you have a
10 garage. If you plant --

11 MR. PEREIRAS: The adjacent property?

12 MR. GARCIA: Yes, this one.

13 MR. PEREIRAS: Yes.

14 MR. GARCIA: If you plant a tree here,
15 you're probably going to block -- the branch of
16 the tree going to block --

17 MR. PEREIRAS: I mean we would --

18 MR. GARCIA: I don't know if I can show
19 him. Can I show him?

20 CHAIRPERSON GRULLON: We would have to
21 take your laptop into evidence.

22 MR. GARCIA: No, no. So it's like --
23 this is one of my concerns. The tree, the branch
24 of tree going to hit -- going to block the entry
25 to the garage. So is any -- I mean just a

1 recommendation, just any way like you plant the
2 tree, I don't know how you planted a tree,
3 whatever?

4 MR. PEREIRAS: So this the way we would
5 plant the tree. It would be in line with our
6 property line, okay. So it shouldn't affect in
7 any way the adjoining properties.

8 MR. GARCIA: But the branch of tree
9 cover --

10 MR. PEREIRAS: The branches of tree.

11 MR. GARCIA: -- the entire front of
12 your property.

13 MR. PEREIRAS: The branches of tree
14 should be nowhere in the height where it should
15 hit a car. If they do, it needs to be pruned
16 properly. So the branches should not --

17 MR. GARCIA: Actually, it's a city thing
18 because it's not the owner of the property who
19 take care of the plant, you know what I mean. So
20 if they need to groom the tree, it's the owner,
21 you know, what I mean. So it's like going to be
22 more cost effect to the City if they need to take
23 care just for that property, that tree, you know
24 what I mean?

25 MR. PEREIRAS: Actually, the City takes

1 care of all the trees, they have a very -- they
2 have an arborist, they take very good care of --

3 MR. GARCIA: But I couldn't add more
4 expense to the City just because some applicant
5 wants to come to do something that's moving the
6 tree.

7 MR. PEREIRAS: Are you suggesting we
8 remove the tree?

9 MR. GARCIA: Remove it?

10 MR. PEREIRAS: Is that what your
11 suggestion is?

12 MR. GARCIA: No, not suggestion. It's
13 because -- I don't want to recommend to -- I would
14 never recommend to approve an application with
15 that you go or suggest an application that you're
16 going to remove a tree because that's the beauty
17 of that street, all those trees around.

18 MR. PEREIRAS: So if the branches of the
19 tree are going to affect a car, don't you think
20 it's really dangerous to have a tree, I mean
21 people are going to walk into the branches.

22 MR. GARCIA: No, no, no, no. What I'm
23 saying is that the branches going to impact the
24 entry to the garage to the adjacent property in
25 the west side of the application. That's what I'm

1 saying.

2 MR. PEREIRAS: And I can't see how they
3 could.

4 MR. GARCIA: No? Okay, go around, pass
5 by tomorrow because I can go and I'll show you,
6 because I don't want to give my laptop as evidence
7 for the record. If you see this branch cover the
8 entire front of the house, can you imagine that
9 you move it a little bit going down to the hill,
10 so the tree going to be shorter?

11 MR. PEREIRAS: The tree stays the same
12 size.

13 MR. GARCIA: The same size, but it going
14 to be lower.

15 MR. PEREIRAS: And the curb cut will be
16 lower on that side, too. The tree doesn't get
17 smaller as it moves down.

18 MR. GARCIA: Okay, okay. Thank you very
19 much.

20 CHAIRPERSON GRULLON: Thank you, Mr.
21 Garcia. Any other member of the public, please
22 step forward.

23 MS. RIVERA: I've never done this
24 before. Arianna Rivera, 620 38th Street. I am a
25 home owner at one of the condos there. My friend

1 is also a homeowner on another property on the
2 block. And I am just begging you guys to please
3 not let this be parking for this property. It is
4 insane street. I don't think parking should be to
5 the detriment of the capacity of the street and I
6 think the street is at capacity.

7 The way that -- it is just hard to find
8 parking, it's a busy street. People coming up
9 from Union Turnpike, trying to get onto Kennedy
10 use our street mainly to get there. And there's
11 excessive honking of the horn for minutes on end.
12 There is -- it's just insane.

13 There's also a 48 unit property being
14 built on the bottom corner of that -- of 38th
15 Street, same side that this property is on. And I
16 know that has its own parking, but people do tend
17 to have more than one car per family or per unit.
18 I've seen it in my condos, he's seen it in his
19 property as well. And I just don't think -- it's
20 going to clog up the street so much.

21 Also where the condos are and where this
22 house is are right across the street from each
23 other and we have the opening to get out and
24 people are constantly going in and out because
25 it's three buildings, I don't even know how many

1 units. So people are making the left to go into
2 the 620 condos. They're going to have to be --
3 there's people constantly coming out. And then
4 with this parking too as well and the speed bump
5 there already as well, unless they -- I don't see
6 them moving the speed bump. But I think it's
7 going cause much more congestion, much more noise,
8 honking of the horn, it's just going to be insane.

9 I don't think it's completely necessary
10 to have two parking spaces for two-family home. I
11 currently live in the other property, the 620 38th
12 Street property and that is a two-family home as
13 well, we do not have parking. We're okay with it,
14 we find parking and we manage. But with the
15 48 units coming down the block, there's another
16 building torn down already that they're most
17 likely going to build up.

18 With all of those, I just don't see how
19 it would help the community. I think it would be
20 detrimental to the people of Union City. I
21 just -- I moved here five years ago, I love it, I
22 love Union City. I think it's amazing, but I just
23 don't think it would be great. And I think it
24 would be much bigger hassle to the residents of
25 that street and of Union City in general.

1 CHAIRPERSON GRULLON: Thank you.

2 VICE CHAIRPERSON GUTIERREZ: Thank you.

3 CHAIRPERSON GRULLON: Any other member
4 of the public would like to step forward?

5 MR. ROJAS: Reynaldo Rojas, 160 18th
6 Street. I just wanted to add onto what she was
7 just talking about with parking, not specifically
8 just to that property. But I see a theme in Union
9 City where we're building more and more
10 multifamilies, bigger apartments. And even with a
11 current requirement of two cars per unit, like she
12 said, people have more than one car, people have
13 more than two cars and we're extremely congested
14 and extremely overpopulated as it is.

15 So I just wanted to express that concern
16 because again it applies to this property, to this
17 block. It applies to my block, it applies to my
18 father's property at 26th Street. Everywhere you
19 go in Union City. Like the gentleman said, I love
20 Union City, too. I drive around and everywhere I
21 go, it's always a hassle to park. And I agree
22 with her, it would be detrimental to the block and
23 to the residents of the neighborhood.

24 CHAIRPERSON GRULLON: Thank you.

25 VICE CHAIRPERSON GUTIERREZ: Thank you.

1 MR. PEREIRAS: So Mr. Chairman -- I'm
2 sorry.

3 MS. PUERTA: Hi, Maria Puerta, 160 18th
4 Street. So I have a question for you, Mr.
5 Pereiras. What's happening in the basement of
6 this property?

7 MR. PEREIRAS: It's just storage, it's
8 not tall enough to be anything.

9 MS. PUERTA: So it will be used as
10 storage?

11 MR. PEREIRAS: Yes.

12 MS. PUERTA: No chances of that turning
13 into an apartment?

14 MR. PEREIRAS: No, it's too short.

15 MS. PUERTA: Perfect. Now I want to ask
16 the Board, what is the reason and I know -- I mean
17 I don't know if everybody here understands the
18 reason why we're here. But I would like to have
19 it clear in my mind, at least, the reason for all
20 these laws, for the requirement of setbacks and
21 the parking spaces for a certain amount of parking
22 spaces per unit, and all of that is to -- my
23 understanding of it is that it is to ensure that
24 down the road, we build a sustainable city, am I
25 right? Okay.

1 So you mentioned earlier that this is a
2 great opportunity to build something the right
3 way, right? And if we maybe create the
4 opportunity for this property to have a garage
5 that will create -- satisfy the requirement for
6 the parking, which will ease what everybody else
7 just mentioned, right? Putting or adding
8 something that puts everybody to more stress than
9 we already have, which is the fact that we don't
10 have enough parking in the City.

11 So I know when you ask for a variance,
12 you can't cause the hardship on yourself, right?
13 The lot has to produce a hardship that you need to
14 work around that, so you can ask for a variance.
15 Am I right or wrong?

16 MR. PEREIRAS: Yes.

17 MS. PUERTA: So I feel like the fact
18 that -- and I'm sorry for the owner, because as a
19 homeowner I feel bad, but the fact that the owner
20 has a vision of something that can be built here
21 but can't be built because it's too expensive,
22 it's not a reason to grant a variance. That's my
23 two cents.

24 CHAIRPERSON GRULLON: Thank you.

25 MS. PUERTA: Thank you.

1 VICE CHAIRPERSON GUTIERREZ: Thank you.

2 CHAIRPERSON GRULLON: Mr. Pereiras, do
3 you want to answer to the public or you want a
4 minute to answer to the public?

5 MR. PEREIRAS: I'd be happy to address
6 some of the concerns. And we have actually, I
7 think, conflicting requests from the public. One
8 person doesn't want parking on the site and
9 doesn't want the congestion of vehicles, they
10 would rather not have cars on the site. Another
11 person says that we don't have parking in Union
12 City, and then the third person is talking about
13 variances in general. And I believe I have that
14 somewhat right.

15 So, you know, it's hard to comply with
16 all these things and that's kind of why we're here
17 before this Board because we're dealing with a
18 preexisting condition. This preexisting condition
19 doesn't fit perfectly into the slot for our
20 ordinance. And that's why this Board exists, to
21 fix and meet these things. We're dealing here
22 with a property that's pretty horrible, it's a
23 really bad property. And we have a person who was
24 willing to purchase this and is willing to put
25 money into this and fix this. They can't tear the

1 building down and build a brand new two family
2 house because it's a different type of ballpark,
3 it's a different type of funds that need to
4 happen.

5 So, quite frankly, what's going to
6 happen is if this Board denies this application,
7 it's going to stay as is and that's a really
8 horrible property, okay? And I don't even think
9 the applicant is going to care much, he's a
10 landlord. He'll rent this property, but I care
11 because I love Union City and I want to make Union
12 City better. So I understand the big picture that
13 sometimes we have to grant variances in certain
14 ways in order to get certain things done and make
15 the -- improve these properties. And that's up to
16 the Board to decide and that's why you're here.
17 And you're all residents of Union City. You all
18 love Union City like I do, like the public does.
19 And you have to decide whether the hardships that
20 exist on this site, if it makes sense.

21 And to me, it makes perfect sense. And
22 that's an individual question for each one of the
23 Board Members, does it makes sense to you. And I
24 ask you to vote honestly on that. Their opinions
25 are 100 percent valid, my opinion is valid. But

1 what makes the most sense. You need to balance
2 that out as a Chairman and as Board Members and
3 see if this better for Union City. As a
4 professional, as a resident, as someone who grew
5 up in Union City my whole life, I think this is a
6 better alternative to what we have. Now, it's up
7 to you.

8 MS. PENA: Can there be a happy medium
9 being that she said there is parking in that area?

10 MR. PEREIRAS: Absolutely and if this
11 board thinks its better not to have our parking
12 there, we'll take the parking out. We'll make
13 this a two-family. However, I know Union City, I
14 know Union City residents. That's the opinion of
15 one person. Most people want us to have parking
16 on the site because they know people are going to
17 live there with cars and they want to have parking
18 on the site. So that's where we get into trouble.
19 You know, we have to kind of weigh everything and
20 what it is.

21 And the applicant is very willing to
22 negotiate with the Board, negotiate with its
23 neighbors. If you want us to take the cars out,
24 we take the cars out. I think it's better to have
25 the cars. I think it's better to take cars off

1 the street and have them on the property. But
2 we're willing to listen to whatever you ask.

3 CHAIRPERSON GRULLON: Mr. Pereiras, it's
4 not only the parking variance you're requesting.
5 You also have side yard variance, you have rear
6 yard variance. And the only side that I see to
7 the application is the two-family is preexisting,
8 you're looking to legalize one of the units, just
9 looking to legalize one of the units. But that
10 doesn't give you a right to the applicant just to
11 open a curb cut there, just because the existing
12 condition is an existing condition and you
13 probably have people that were living there
14 without cars because there's plenty of public
15 transportation theres. So it's one or the other,
16 whether they demolish the property and come up
17 with the right application, which I know is going
18 to be a curb cut, it's going to be a detriment to
19 the neighborhood anyway because it's going to have
20 a curb cut. But it will be what is permitted.

21 But if we are to -- like now that we are
22 going to vote on this application, we're going to
23 try to do our best to meet in a middle point where
24 we try not to affect the area because we are all
25 also residents of Union City, we care about Union

1 City. We know how hard it is to find parking
2 everywhere, you know how hard it is for the people
3 living in Union City now.

4 I know we welcome you, tenants come to
5 go Union City. But if a new tenant come up and
6 they know there's no parking available, maybe they
7 adjust to public transportation, they don't come
8 up with a car and that's my point.

9 MR. PEREIRAS: Believe it or not, Mr.
10 Chairman, the applicant came to me and he didn't
11 have parking in mind. I'm the one that suggested
12 parking because I think it's so hard to park here,
13 I'm like you should have parking --

14 CHAIRPERSON GRULLON: I don't want to
15 say --

16 MR. PEREIRAS: The applicant would be
17 happy to remove the parking. This was 100 percent
18 my fault. Then what I propose is if this Board
19 would find it appropriate to amend the application
20 to not have the curb cut, not have the two parking
21 spaces, and we can get a two-family corrected the
22 way we have it, without the parking.

23 CHAIRPERSON GRULLON: I mean it's going
24 to be more than that because we are going to carry
25 it, see new plans. I would like to see the

1 setback three and two and also 20 rear yard. If
2 not, I mean --

3 MR. PEREIRAS: It's a preexisting
4 building, I can't tear it down. And if we had all
5 the setbacks then we wouldn't even have to come
6 before this Board. This is all existing and where
7 it's not existing, where it's new, we're setting
8 it back three feet.

9 CHAIRPERSON GRULLON: That is only in
10 the back of the building?

11 MR. PEREIRAS: Right, the front is all
12 existing now.

13 CHAIRPERSON GRULLON: If there is a
14 fire, there's no opportunity to get back there.

15 MR. PEREIRAS: Yeah, there's plenty of
16 space there. It would mean tearing down the
17 building completely if we were to meet the setback
18 requirements. That's exactly what we can't do.
19 We would just keep it as is, the applicant would
20 keep it as is.

21 MR. PANEQUE: Mr. Pereira, just as a
22 point of clarification, when you say keep it as
23 is, it's a one-family?

24 MR. PEREIRAS: Meaning it's a legal
25 one-family. He would remove the kitchen from the

1 second floor and he would rent it as a one-family
2 and there would be no corrections to the outside,
3 there would be no corrections to the conditions
4 inside. It would just be removing the kitchen and
5 renting it out, which is exactly what I don't want
6 to see happen.

7 VICE CHAIRPERSON GUTIERREZ: It's not
8 fair for the neighbors to put the parking there.

9 MR. PEREIRAS: We'll take it out.

10 MS. PEREIRAS: We'll eliminate the
11 parking.

12 MR. PEREIRAS: We'll eliminate the
13 parking, that's not a problem. But to tear down
14 the building, that's too much.

15 MS. PEREZ: It doesn't have to extend
16 the building, without the parking there's more
17 space?

18 MR. PEREIRAS: Yeah.

19 MR. GARCIA: Can I make a
20 recommendation? I mean, just going to ask a
21 question to the Board. Do you have the
22 opportunity to visit the place, to pass by to see
23 the condition? Because my suggestion is go pass
24 by, go at rush hour, and see what happens at the
25 street and then you come with a better

1 recommendation to the Board and also to talk to --
2 to also to the residents of the area. I don't
3 know, it's my -- just a recommendation.

4 MR. PEREIRAS: So some perspective
5 there's a 50 unit multifamily building coming down
6 the same block, this is a small two-family house.

7 Mr. Chairman, I'm going to just make a
8 suggestion, how about we table this to the next
9 meeting. I'll work with your professionals, I'll
10 work with Mr. Spatz and I'll see if we can come up
11 to a plan. And then we'll present that new plan
12 to the Board at the next month, just so that
13 everyone's comfortable, maybe we can come to some
14 agreement.

15 MR. GARCIA: Can you also have a meeting
16 with the community to see how it -- because the
17 things is -- there's a big building coming on the
18 corner, another one is coming next to the glass
19 place. And you know it's like a little bit
20 crowded. And also, with all due respect, you know
21 I have a lot of respect for you, Mr. Pereiras,
22 however when you mention like it's light traffic,
23 that's 38th Street, where everybody's coming from
24 Paterson Plank Road and coming to take the Bergen
25 Turnpike.

1 MR. PEREIRAS: It was just a comparison
2 with the block that the Chairman had noted.

3 MS. PEREIRAS: And we always welcome the
4 opportunity to work with the neighbors and speak
5 to the neighbors. Our office is in Union City, we
6 can't get anymore local than that, okay. And
7 everybody is welcome to our office. And if we
8 have to set up something else, we're happy to do
9 that, too.

10 MR. GARCIA: They always take care of
11 the --

12 MR. ROJAS: Just one more quick thing
13 because I get it. I like to see Union City, you
14 know, be better. But like you said, the owner is
15 a landlord, he's just going to rent it and move
16 on, and it's fine. So why if he has that option
17 to use the building as is, remodel it a little
18 bit, take the kitchen out, whatever, what is the
19 need to add an additional family? And, again,
20 like I mentioned before I see the pattern where
21 we're taking old houses or houses that are in
22 disrepair or whatever and we can fix them, but
23 then we can also add floors and extensions and
24 this and that. And again more families, more
25 cars, more kids for our schools, more burden on

1 our fire department, our police department. I
2 just -- if it's a single family now, why can't it
3 be used as a single family tomorrow? It could be
4 still made beautiful. Just, again, it applies
5 here, but it also applies in other areas of Union
6 City. Just my thoughts.

7 CHAIRPERSON GRULLON: I agree with that.

8 Mr. Pereiras, do you want to carry this
9 to the next meeting, revise your plan, and come up
10 with a one-family or come up with something that,
11 you know, makes more sense. I know that area is
12 going to be a lot of traffic when they build the
13 55 units -- there's a lot of traffic, parking
14 condition is bad now.

15 But just to give you the opportunity to
16 talk to the applicant, I'm just going to make the
17 motion to carry this application to the next
18 meeting.

19 MS. PEREIRAS: We have no objection to
20 that, Mr. Chairman.

21 MR. PANEQUE: The next meeting will not
22 take place at this venue and, therefore, you would
23 have to renote.

24 MR. VALLEJO: I have a motion on the
25 table to carry this application to January 12,

1 2023 by Mr. Grullon.

2 VICE CHAIRPERSON GUTIERREZ: Second.

3 MR. VALLEJO: Seconded by Ms. Gutierrez.

4 Roll call on the motion, new notice
5 required.

6 Mr. Grullon.

7 CHAIRPERSON GRULLON: Yes, to carry it.

8 MR. VALLEJO: Ms. Gutierrez.

9 VICE CHAIRPERSON GUTIERREZ: Yes.

10 MR. VALLEJO: Mr. Ortiz.

11 MR. ORTIZ: Yes.

12 MR. VALLEJO: Ms. Pena.

13 MS. PENA: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Five in favor, motion
17 carries. New notice required. Next meeting will
18 be at the Union City High School, located at 2500
19 John F. Kennedy Boulevard.

20 * * * *

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1 **314 37TH, LLC -**

2 **314 37TH STREET:**

3
4 MR. VALLEJO: May I have your attention,
5 please. Next application on tonight's agenda, 314
6 37th Street. Ms. Pereiras, please.

7 MR. PANEQUE: For the record, I've been
8 provided by Ms. Pereiras with a certification as
9 to publication and service indicating that notice
10 of the application with regards to 314 37th Street
11 was provided to all property owner within a 200
12 foot radius, provided with a list of all property
13 owners within 200 feet of 314 37th Street. The
14 list was provided by the Union City tax assessor's
15 office with a date of October 31, 2022.

16 I've also been provided with the
17 certified mail receipts with a postmark date of
18 November 28, 2022.

19 And, finally, I've been provided with an
20 affidavit of publication from The Jersey Journal
21 indicating that notice of tonight's hearing at
22 this location, 1600 Kerrigan Avenue, with respect
23 to the property at 314 37th Street was published
24 in The Jersey Journal on November 25, 2022.

25 Based on the information that has been

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

3 MS. PEREIRAS: Thank you, Counsel.
4 Again, Bianca Pereiras on behalf of the applicant
5 for property at 314 37th Street, also known as Lot
6 9 in Block 221.

7 As the Board may recall, you've seen
8 this matter on the agenda for several months now.
9 Why? Originally, we came in with an application
10 to do or build or construct addition to what we
11 believed was a five unit home. This building has
12 operated as five residential units for decades.
13 It was brought to our attention by the building
14 department after we had presented to this Board
15 that in fact the building department only
16 recognized two units. And, unfortunately, the
17 records did not support the three remaining units.

18 As such, we had to modify our
19 application to recognize those three additional
20 units, as well as construct the addition to
21 improve and increase the living space for these
22 units.

23 Our applicant is here, in case the Board
24 has any questions of him. However, we have one
25 expert to testify and that is our architect, Mr.

1 Manuel Pereiras.

2

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

4

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

7 MS. PEREIRAS: Mr. Pereiras, are you
8 familiar with the property at 314 37th Street?

9 MR. PEREIRAS: I am.

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

12 MR. PEREIRAS: I did.

13 MS. PEREIRAS: And would you kindly
14 describe the proposal for the Board?

15 MR. PEREIRAS: I'd be very happy to. We
16 have been working with the Rosenbergs for, I'd
17 say, at least two years now, maybe two and a half
18 years. They have a large family, they have ten
19 children and they're looking to make their
20 apartment, their house, a little bit bigger to
21 accommodate those ten children and accommodate
22 their family.

23 So I'm going to start by going to our
24 site plan on sheet Z02. And just for the purposes
25 of the record, these are the same drawings that

1 were submitted to the Board. As you can see,
2 we're doing a rear addition. This is the
3 existing, this is the proposed. A rear addition
4 of 16 feet by 21 feet 4, which is the width of the
5 house. We're basically taking the same footprint
6 of the house and just extending back.

7 The floor plans and I think I'm going to
8 show you first the elevation so you understand
9 what we're doing, it's a lot easier to understand
10 in elevation. As you can see, the site has a nice
11 topography. This being 37th Street and this being
12 the rear yard. This is right around the corner
13 from city hall. So the site drops significantly.
14 So we're going to use and take advantage of that
15 topography by creating a two-story building and
16 instead of it being in line with the floor plate
17 of the existing structure, shifting it down so
18 that the lower story is partially below grade,
19 almost like a basement, and then the upper story
20 is partially higher than this apartment. So that
21 the apartment which they occupy here, they have an
22 additional two stories in the rear.

23 And in floor plan, we can see what that
24 provides them. So the addition that we created
25 basically creates a playroom with storage and a

1 bedroom, a master bedroom for them on that floor.
2 So that it is a split. And from this floor, you
3 go a few steps down to the play room for the kids
4 and a few steps up to get to the bedroom.

5 The existing conditions are as you see
6 here. They have bedrooms, passover kitchen,
7 dining room, living room across there. The
8 apartments above, which have been there for well
9 over 30 years with the same residents for well
10 over 30 years, unfortunately, is not recognized in
11 the building department. We're not looking to
12 make any changes there other than code
13 requirements. And I'm just going to walk you
14 through what those apartments are. Apartment
15 number two is 521 square feet. It has an existing
16 bedroom in the front. Apartment number three is
17 623 square feet, with two bedrooms in the rear.
18 Apartment number four has 521 square feet with one
19 bedroom in the front. And apartment number five
20 has 623 square feet with two bedrooms in the back.

21 The apartment that we're looking to
22 expand is 1,789 square feet in total. And they
23 have a basement that they use also as like family
24 space and mechanical systems and storage areas,
25 that is existing.

1 Let's go over in site plan what our
2 existing nonconformities are and our expanding
3 variances. So we are compliant as far as lot
4 size, we have 2,500 square feet, we're compliant
5 in lot width, we're compliant in lot depth. The
6 minimum front yard is existing 1 foot, 10 inches,
7 that's an existing nonconformity. The rear yard,
8 we're proposing 14 feet, 10 inches, so we're
9 requesting a variance for rear yard. The side
10 yard is 1.5 on one side and 1.8 on the other side,
11 these are preexisting conditions and those are
12 existing nonconformities. The maximum building
13 coverage, we are at 73.4 percent, which exceeds
14 the 65 percent allowance, we're requesting a
15 variance for that. The maximum lot coverage, the
16 existing is at 100 percent, we're as 90 is
17 required. And parking, this application would
18 require ten parking spaces. Obviously, we have
19 zero on the site and there's zero opportunity to
20 create additional parking on the site.

21 But like I said before, this has been
22 five units for over 30 years. It's an owner
23 occupied building, they want to continue living
24 there. That's why they're asking for the
25 addition. They've been working on this for awhile

1 and we're finally here before this Board.

2 CHAIRPERSON GRULLON: Ms. Pereiras, do
3 you have another witness?

4 MS. PEREIRAS: We do not.

5 MR. PANEQUE: Ms. Pereiras, this
6 variance requires a use variance?

7 MS. PEREIRAS: That is correct.

8 MR. PANEQUE: You do not have planning
9 testimony?

10 MS. PEREIRAS: We do not have planning
11 testimony.

12 MR. PANEQUE: The position of this Board
13 is now that without planning testimony, you cannot
14 proceed with the use variance. So you're going
15 carry it?

16 MS. PEREIRAS: We're going to have to,
17 Counsel.

18 CHAIRPERSON GRULLON: We're going to
19 have to carry this.

20 MR. VALLEJO: It's been here since
21 July 14th.

22 MS. PEREIRAS: Counsel, please remember
23 that the only reason this was carried was because
24 there was a discrepancy. Originally, we came in
25 just looking for an addition and it was news to

1 us, as well as the applicant, who has lived in
2 this building for so many years that the building
3 department did not recognize some of those units.
4 And that was the reason that we had to,
5 unfortunately, go back to the drawing board, fix
6 the drawings, fix our application, and come back
7 to this Board.

8 CHAIRPERSON GRULLON: You understand we
9 need planning testimony to make a judgment?

10 MS. PEREIRAS: Sure.

11 CHAIRPERSON GRULLON: I want to make
12 sure that the rights, you know, are waived, the
13 statutory rights.

14 MR. PANEQUE: For this board to
15 entertain carrying this matter, does the applicant
16 waive its statutory time period?

17 MS. PEREIRAS: Absolutely.

18 CHAIRPERSON GRULLON: Okay. I know we
19 might have questions for the planner, but I want
20 to open it up to the public in case any members of
21 the public have any questions in regard to this
22 application? Hearing none, close to the public.

23 Since we have to hear testimony from a
24 planner in order for us to proceed with this
25 application, I make the motion to carry this

1 application to the next board meeting.

2 MS. PEREIRAS: Thank you very much.

3 VICE CHAIRPERSON GUTIERREZ: I'll second
4 it.

5 MR. VALLEJO: All right. We have a
6 motion to carry this application to January 12,
7 2023, by Mr. Grullon, seconded by Ms. Gutierrez.

8 Roll call on the motion.

9 Mr. Grullon.

10 CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: To carry this to January
12 12, 2023. New notice required, it's a new place?

13 MR. PANEQUE: No.

14 MS. PEREIRAS: Testimony has already
15 been presented as far as architectural. If there
16 were any opposition to it or any members that had
17 any interest whatsoever, they'd be here this
18 evening and could hear the new --

19 MR. PANEQUE: Mr. Chairman --

20 CHAIRPERSON GRULLON: It is only to hear
21 the planner?

22 MS. PEREIRAS: That's all.

23 CHAIRPERSON GRULLON: We can put on the
24 record that the meeting will be at 2500 Kennedy
25 Boulevard.

1 MS. PEREIRAS: I appreciate that, Mr.
2 Chairman.

3 CHAIRPERSON GRULLON: No notice
4 required.

5 MR. VALLEJO: All right. Motion on the
6 table to adjourn this application for January 12,
7 2023, by Mr. Grullon, seconded by Ms. Gutierrez,
8 no new notice required.

9 Roll call on the motion.

10 Mr. Grullon.

11 CHAIRPERSON GRULLON: Yes.

12 MR. VALLEJO: Ms. Gutierrez.

13 VICE CHAIRPERSON GUTIERREZ: Yes.

14 MR. VALLEJO: Mr. Ortiz.

15 MR. ORTIZ: Yes.

16 MR. VALLEJO: Ms. Pena.

17 MS. PENA: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: Yes.

20 MR. VALLEJO: Five in favor, motion
21 carries. No new notice required. The next
22 hearing will be at 2500 John F. Kennedy Boulevard
23 in the Union City High School, 6:00 p.m. Thank
24 you.

25 * * * *

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

2 **4614 KENNEDY BOULEVARD:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, J.F.K. Realty, LLC, 4614 Kennedy
6 Boulevard.

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

9 I've been provided by Ms. Pereiras with
10 a certification as to publication of service
11 listing hearing notice of tonight's hearing with
12 respect to the property at 4614 Kennedy Boulevard
13 at this location.

14 I've also been provided with a tax list
15 from the tax assessor's office with a date of
16 November 1, 2022, listing all property owners
17 within the 200 foot radius of the subject property.

18 I've also been provided with the
19 certified mail receipts with a postmark date of
20 November 28, 2022, as well as the affidavit of
21 publication from The Jersey Journal. Said
22 affidavit indicates that with respect to the
23 property at 4614 Kennedy Boulevard, the
24 application will be presented on December 8, at
25 the Sara M. Gilmore School, 1600 Kerrigan Avenue.

1 The notice was published on November 25, 2022.

2 Based on the documentation provided by
3 Ms. Pereiras, this Board has jurisdiction to
4 proceed and hear this matter.

5 MS. PEREIRAS: Thank you, Counsel.
6 Bianca Pereiras on behalf of the applicant for
7 property at 4614 Kennedy Boulevard also known as
8 Lots 34 and 35 in Block 263.

9 The application before the Board this
10 evening is to construct a multifamily building
11 consisting of 24 units and parking. This project
12 really came about because of the mosque and
13 Islamic educational center that is located a block
14 away from this location. The congregation there,
15 the teachers there, were looking to move closer to
16 the educational center. And that is why we were
17 able to find this location and, hopefully,
18 construct this building primarily for their use.

19 We have several experts to testify
20 before the Board this evening, but I'd like to
21 start our presentation with our architect, Mr.
22 Manuel Pereiras.

23

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

25

1 MR. PEREIRAS: Manny Pereira, I
2 recognize that I am still under oath.

3 MS. PEREIRAS: Mr. Pereira, are you
4 familiar with the property at 4614 Kennedy
5 Boulevard?

6 MR. PEREIRAS: I am.

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

10 MR. PEREIRAS: I did.

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

13 MR. PEREIRAS: I'd be very happy to.
14 For purposes of the record, the drawings on this
15 easel are the same drawings submitted to the
16 Board.

17 The drawing on the -- the rendering on
18 the left -- to my left side is a rendering of the
19 proposed building. Counsel, should I mark that
20 as --

21 MR. PANEQUE: Yes, A-1.

22

23 (Rendering marked A-1 for
24 identification.)

25

1 MR. PEREIRAS: For the record, I am
2 marking the back left top corner as A-1 and
3 today's date.

4 To proceed, I'd like to start with what
5 Counsel had mentioned as far as our site. This is
6 our site on Kennedy Boulevard, right on the corner
7 of 47th Street. The site is highlighted here.
8 You could see our radius of 200 feet that we're
9 required to notice. You could see that even
10 within that same radius is the mosque, all the
11 parking that it has around, and within that
12 radius, the parking lot across the street of the
13 mosque. So that helps us understand a little bit
14 of proximity, it's on the very same block as the
15 building and they have a deficit of housing in the
16 mosque and its occupants -- congregation. And
17 they need to expand and that's the proposed --
18 that's the reason for our proposed building.

19 Walking through the variances that we
20 have, of course we have a D1 variance because we
21 have a multifamily building in a two-family zone.
22 Our lot area is 6,186 square feet, so it's a
23 definitely oversized lot that could accommodate a
24 lot more density than a typical lot that is only
25 2,500 square feet. So no variance there. Our lot

1 is 50 feet wide, whereas 25 is required. And our
2 depth is irregular. It is at the shortest point
3 121.72 feet and at the biggest point, it's
4 125.75 feet. So it's also larger in length as
5 well.

6 MR. PANEQUE: Ms. Pereiras, I just have
7 to clarify something before we get more in depth
8 into this presentation. In looking at your 200
9 foot radius which is on the first page of your
10 site plan, you have the 200 foot radius also
11 encompassing portions of North Bergen. I did not
12 see a list from North Bergen.

13 MS. PEREIRAS: North Bergen was notified
14 as well.

15 MR. PANEQUE: Where is the tax list?

16 MR. PEREIRAS: I think it's one person,
17 the church and the cemetery.

18 MR. PANEQUE: But you also have a county
19 road here. Thank you. And the certified mail
20 slips?

21 MS. PEREIRAS: They're included with the
22 submissions, they're at the end.

23 MR. PANEQUE: And also the County of
24 Hudson was notified?

25 MS. PEREIRAS: I believe so, but I'll

1 double check through my notes.

2 MR. PANEQUE: We don't want you getting
3 too in depth and then having a statutory issue.

4 MS. PEREIRAS: Counsel, I don't see it
5 on my certified list. However, we have a
6 simultaneous application to the County as well.
7 So the County is well aware that we're pursuing
8 this in front of Union City.

9 MR. PANEQUE: But for our purposes, we
10 have to have that the County was notified of
11 tonight's hearing. Your simultaneous application
12 doesn't give the due process to the County to be
13 able to send a representative, if they chose to,
14 to see what the application is before the Board.

15 MS. PEREIRAS: I don't see the County.

16 MR. PANEQUE: I don't see any notice to
17 the County.

18 MS. PEREIRAS: I don't either.

19 MR. PANEQUE: I really just noticed this
20 at this point because I'm looking at the 200 foot
21 radius and it encompasses North Bergen --

22 MS. PEREIRAS: Which was included,
23 absolutely.

24 MR. PANEQUE: Which I accept your
25 representation that it's included. But Kennedy

1 Boulevard is a county road and I don't see
2 notification to the County office of tonight's
3 hearing.

4 MS. PEREIRAS: Yes. Like I said, I
5 don't see them either. They're aware of the
6 application, but I do not have them with the
7 notice for this evening.

8 MR. PANEQUE: Okay. Based on that, I
9 retract my previous statement that this Board has
10 jurisdiction. I find that the jurisdiction has
11 not been met because proper notices have not been
12 given by Ms. Pereiras.

13 MS. PEREIRAS: Sure. Counsel, I
14 respectfully request this matter be carried to
15 next month so I can notice the County.

16 MR. PANEQUE: If I may, I'll just make
17 the suggestion -- it would be up to the Chairman,
18 I see that there were quite a few notices sent
19 out, those parties are on notice of tonight's
20 hearing. The only party that seems to be lacking
21 is the County, so if the Chairman permits, then
22 the matter can be carried with notice tonight that
23 it's going to be to the next meeting and the
24 County would have to be noticed, it would just be
25 one certified mail.

1 MS. PEREIRAS: That's fine, thank you.

2 MR. PANEQUE: Mr. Chairman?

3 CHAIRPERSON GRULLON: Yes, I'm okay with
4 that. I accept the notice that we have as of now,
5 we do have to submit the notice to the County for
6 the next meeting.

7 MS. PEREIRAS: I'll submit to counsel.

8 CHAIRPERSON GRULLON: Also the applicant
9 will waive the statutory requirements?

10 MS. PEREIRAS: Absolutely.

11 MR. PANEQUE: The statutory period is
12 waived?

13 MS. PEREIRAS: Of course, Counsel.

14 MR. PANEQUE: Thank you.

15 MR. VALLEJO: Is there a motion?

16 CHAIRPERSON GRULLON: With that, I make
17 the motion to carry this to January 12th board
18 meeting.

19 MR. VALLEJO: Motion to carry this
20 application to January 12, 2023, at the Union City
21 High School located at 2500 John F. Kennedy
22 Boulevard, 6:00 p.m.

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

25 MR. VALLEJO: Seconded by Ms. Gutierrez.

1 Roll call on the motion.
2 Mr. Grullon.
3 CHAIRPERSON GRULLON: Yes.
4 MR. VALLEJO: Ms. Gutierrez.
5 VICE CHAIRPERSON GUTIERREZ: Yes.
6 MR. VALLEJO: Mr. Ortiz.
7 MR. ORTIZ: Yes.
8 MR. VALLEJO: Ms. Pena.
9 MS. PENA: Yes.
10 MR. VALLEJO: Ms. Perez.
11 MS. PEREZ: Yes.
12 MR. VALLEJO: Five in favor, motion
13 carries. No new notice required.

14 * * * *

1 **JORGE & ZAIDA TURBAY -**
2 **731-733 30TH STREET:**

3
4 MR. VALLEJO: May I have your attention,
5 please, we're moving to application number 6,
6 731-733 30th Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant. Mr. Chairman, Board Members,
9 the applicant did not have a planner available
10 this evening to testify. As such, we're
11 respectfully requesting this matter be carried
12 with no new notice required.

13 CHAIRMAN GRULLON: And your request for
14 731-733 30th Street?

15 MS. PEREIRAS: That is correct.

16 CHAIRPERSON GRULLON: I make the motion
17 to adjourn this application to the next board
18 meeting of January 12th.

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

21 MR. VALLEJO: Motion on the table to
22 adjourn this application for January 12, 2023, by
23 Mr. Grullon, seconded by Ms. Gutierrez.

24 Roll call on the motion.

25 Mr. Grullon.

1 CHAIRPERSON GRULLON: Yes.

2 MR. VALLEJO: Ms. Gutierrez.

3 VICE CHAIRPERSON GUTIERREZ: Yes.

4 MR. ORTIZ: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

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

11 MS. PEREIRAS: Thank you.

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1 **JORGE PEREZ -**
2 **514 36TH STREET:**

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4 MR. VALLEJO: Now, we are going to the
5 other Jorge. Next application on tonight's
6 agenda, number nine, Jorge Perez, 514 36th Street.
7 Ms. Pereiras, please.

8 MS. PEREIRAS: Bianca Pereiras on behalf
9 of Jorge Perez for 514 36th Street, also known as
10 Lot 25, in Block 218. Similarly, we do not have
11 planning testimony, so if the Board would kindly
12 carry this matter, we will be renoticing for the
13 January 12th meeting.

14 CHAIRPERSON GRULLON: With that
15 renotice, I make a motion to adjourn to the next
16 meeting.

17 MR. VALLEJO: Anybody from the public?

18 MR. PANEQUE: If anyone is here on the
19 application for 514 36th Street, this matter is
20 being carried to the January 12th meeting at the
21 Union City High School.

22 MR. VALLEJO: Motion to carry this
23 application to January 12, 2023, at the Union City
24 High School, 2500 John F. Kennedy Boulevard made
25 by Mr. Grullon.

1 VICE CHAIRPERSON GUTIERREZ: Second it.
2 MR. VALLEJO: Seconded by Ms. Gutierrez.
3 Roll call on the motion.
4 Mr. Grullon.
5 CHAIRPERSON GRULLON: Yes.
6 MR. VALLEJO: Ms. Gutierrez.
7 VICE CHAIRPERSON GUTIERREZ: Yes.
8 MR. VALLEJO: Mr. Ortiz.
9 MR. ORTIZ: Yes.
10 MR. VALLEJO: Ms. Pena.
11 MS. PENA: Yes.
12 MR. VALLEJO: Ms. Perez.
13 MS. PEREZ: Yes.
14 MR. VALLEJO: Five in favor, motion
15 carries.
16 CHAIRPERSON GRULLON: For the public
17 that's application number nine on the agenda, 514
18 36th, it's been adjourned to the next board
19 meeting because they didn't have a planner.
20 MR. VALLEJO: At the high school, 2500
21 John F. Kennedy Boulevard.

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1 **CHRISTOFF SCHLUENDER -**
2 **1801-1803 CLIFF STREET:**

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

7 MS. PEREIRAS: Thank you, Mr. Vallejo.
8 Bianca Pereiras on behalf of the applicant,
9 Christoff Schluender for property at 1801-1803
10 Cliff Street, also known as Lots 25 and 26 in
11 Block 127. I previously submitted my
12 jurisdictional submissions for Counsel.

13 MR. MAROTTA: I have reviewed the
14 submissions and they're in order, the mailing has
15 been provided, so we have jurisdiction.

16 MS. PEREIRAS: Thank you very much,
17 Counsel.

18 MR. MAROTTA: And thank you for, again,
19 organizing it in a very easy to review manner.

20 MS. PEREIRAS: I appreciate that.

21 So the Board has seen us come before you
22 on this application, so has the public. We
23 originally had an application which we thought was
24 very appropriate for this site, which was to
25 construct three one-family homes. Mr. Schluender,

1 his goal was to live in one of these homes.

2 We heard some of the comments from the
3 Board Members as well as from the public. And we
4 have an alternate plan for the Board's
5 consideration this evening, which is typically --
6 it's more traditional and more what Union City is
7 used to. However, I will ask our architect to
8 provide testimony on both applications, so that we
9 can compare the applications before the Board.
10 Mr. 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 the
17 architect of record for 1801-1803 Cliff Street?

18 MR. PEREIRAS: I am.

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

21 MR. PEREIRAS: I have.

22 MS. PEREIRAS: Would you kindly describe
23 the project and if you may, can you focus on what
24 our original application was and what the changes
25 have been?

1 MR. PEREIRAS: I'd be very happy to.
2 Our original approach was a little nontraditional,
3 we have Cliff Street, we have 18th Street. The
4 long side of the site was on 18th Street, the
5 short side on Cliff Street, it's 50 foot wide.
6 What we were proposing was to divide the lot into
7 three equal lot sizes and have three single family
8 homes for a total of 3 units. We felt that worked
9 really well. We created a nice side yard, rear
10 yard. We created ample parking for each of the
11 units. However, meeting the requests of the
12 neighbors and the Board --

13 CHAIRPERSON GRULLON: Mr. Pereiras, I'm
14 sorry to stop you there. Right now, what do you
15 have there, how many lots?

16 MR. PEREIRAS: It is one lot.

17 CHAIRPERSON GRULLON: It's one lot.

18 MR. PEREIRAS: It is 50 by 75 lot and
19 there's a one-story frame house located here and a
20 secondary accessory structure there.

21 CHAIRPERSON GRULLON: Is it recognized
22 as one lot or two lots?

23 MS. PEREIRAS: Mr. Grullon, it's
24 originally Lots 25 and 26, when it's the same
25 owner owns both, usually the tax assessor

1 consolidates them into one --

2 MR. MAROTTA: They merge as a matter of
3 law.

4 MS. PEREIRAS: Correct.

5 MR. MAROTTA: They have to be
6 subdivided.

7 MS. PEREIRAS: Correct.

8 MR. PEREIRAS: So in our revised
9 proposal, or second iteration -- and I just want
10 to be clear that the owner continues to feel that
11 this is the best use, and he prefers this
12 application. He just wants to meet the
13 requirements of the City and make sure that the
14 City is happy and the neighbors are happy.

15 This is a much more traditional
16 approach. We have two lots on the side, faced
17 from Cliff Street. And these are two fully
18 compliant buildings with all the requirements of
19 the ordinance, except what is existing as far as
20 lot depth on each of these. And I'll just walk
21 you through the variances or the requirements and
22 the bulk requirements and the variances that we're
23 requesting.

24 The minimum lot area of the consolidated
25 site is 3,750 square feet, we have 1,875 square

1 feet for each of these lots. We have a depth of
2 75 feet, which is a preexisting nonconformity, it
3 is the same preexisting nonconformity from before,
4 it continues to be the same variance of lot depth.
5 And we have lot area, of course.

6 The lot width is fully conforming and
7 then everything else is fully conforming. We have
8 a two foot side yard setback on one side of each
9 property, we have a three foot side yard setback
10 on the other side of the property. We have a 10
11 foot -- actually a 7 foot front yard setback,
12 which is also in compliance with the ordinance.
13 We have a 20 foot rear yard setback, which is in
14 compliance with the ordinance. The ordinance
15 requires 65 percent maximum building coverage,
16 we're well under that at 51.2 percent building
17 coverage.

18 The ordinance requires a minimum of -- a
19 maximum of 90 percent lot coverage and we are at
20 71.2 percent lot coverage, so we're fully
21 compliant in that. The ordinance requires two
22 parking spaces per unit and we're providing four
23 parking spaces for each of these buildings for a
24 total of a net zero. So we require no variance
25 for that either. So this application is really a

1 variance free application, except for the existing
2 nonconformities of the sites.

3 Walking you through the building itself,
4 I drew them side by side so that you can
5 understand the relationship between the two
6 buildings and the site in general. Each of these
7 has a curb cut along Cliff Street. So previously
8 we had the curb cut on 18th Street, the Board
9 suggested that the curb cut not be on 18th Street,
10 so we moved them to Cliff Street and we created
11 the two curb cuts. The prior application has
12 three curb cuts, this one has two curb cuts.

13 We have a vehicle entrance, we paved
14 that area with pavers and you enter to have four
15 cars. Each apartment gets one bay so that these
16 two in tandem are shared by one apartment and
17 these are shared by the other apartment. The
18 pedestrian entrance is also here with also pavers
19 along the front. We have landscaping surrounding
20 the entire building and every possible opportunity
21 to create a good amount of landscaping throughout,
22 with the nice rear yard, landscaped as well.

23 We created a trash enclosure in the rear
24 yard that is fenced in to close in the trash. And
25 there's ample room to walk out through the gate

1 along 18th Street or bring it out to the front
2 along Cliff Street. The opposite building is
3 exactly the mirror of it.

4 If you take the steps to the second
5 floor, you're in apartment number one. Apartment
6 number one, you enter into the kitchen area, which
7 is open, clear open floor plan to the dining room,
8 living room area. And then you have two bedrooms
9 along the back. The master bedroom has a master
10 bath and a walk-in closet. And the second bedroom
11 has a hall bath there.

12 The design is pancake, in the sense that
13 the upper floor is exactly like the bottom floor,
14 so both floors are identical. You walk out the
15 same way and the stairs work the same way and it
16 has the same layout for two floors. So each
17 apartment is on its own floor. And that stair
18 leads you to the roof. And that roof, we're
19 providing a roof deck and locating the condensers
20 and the mechanical room on the roofs. Since we're
21 complying with all the setbacks, the building is a
22 very modest building, it's very small. So we're
23 putting the mechanicals on the roof there,
24 enclosed so it makes no hindrance or no
25 disturbance for the neighbors.

1 The facade is -- rather than showing on
2 the drawing, I'll show it on the rendering. It's
3 a mixture of the materials to create a very
4 attractive. We have fiber cement panels, we have
5 metal panels, we have a ribbed wood look, it's
6 actually made out of fiber cement as well. We
7 have some brick on the base on the ground floor
8 and then we have glass railing along the top of
9 the building. And that concludes my testimony.

10 CHAIRPERSON GRULLON: Can I see the
11 easel again please? Do you have one for the --

12 MR. PEREIRAS: It's the same thing, just
13 one less, it doesn't change.

14 CHAIRMAN GRULLON: The variance that you
15 are requesting, Mr. Pereira, it's solely for --

16 MR. PEREIRAS: So technically there's
17 two variances, one is for lot depth because we
18 have a 75 foot lot, that's a preexisting
19 nonconformity. It was a 75 foot depth before,
20 it's a 75 foot depth now, doesn't matter how we
21 put the building, it will always be 75 feet long.

22 And then the other one is for lot area,
23 we're at 1,875 square feet whereas 2,500 is
24 permitted.

25 CHAIRPERSON GRULLON: Are you in

1 compliance with rear yard and front yard?

2 MR. PEREIRAS: Yes, we're in compliance
3 with every other bulk standard.

4 CHAIRPERSON GRULLON: The height of the
5 building, what's the height of the three floors?

6 MR. PEREIRAS: We're well below. Our
7 building height is 38 feet and that's permitted.

8 CHAIRPERSON GRULLON: Could you describe
9 the roof area?

10 MR. PEREIRAS: I'd be very happy to.
11 The same stairwell that you enter the ground floor
12 continues perfectly up to the roof level, so that
13 stairwell goes from ground level, first floor
14 apartment, second floor apartment, and the roof
15 level. That roof level gives you access to the
16 condensers that are located on the roof. It also
17 gives you access to the mechanical room that's
18 also located on the roof. That's all within our
19 height requirements and it fits nicely, you know,
20 within the footprint of this building.

21 And then the rest of the space is a roof
22 deck. And we have a guardrail wrapping around the
23 building, a glass guardrail.

24 CHAIRMAN GRULLON: Mr. Pereiras, what is
25 the intention to have a roof deck in that area, in

1 that property?

2 MR. PEREIRAS: To have additional space,
3 outdoor space for the tenants.

4 CHAIRPERSON GRULLON: They have the rear
5 yard, it has a decent space in the rear yard?

6 MR. PEREIRAS: They do. But a rear yard
7 is sunken in, you have properties immediately
8 adjacent to it that are over developed and don't
9 have side yards. You have the property that --
10 and I'll go to the site plan so we can talk about
11 it.

12 From the aerial, the site plan doesn't
13 show it well -- actually, yes, it does. So you
14 have buildings built up to the property line along
15 the north of that property. And then the building
16 to the west of that property has a fence right
17 across there, so it's a little bit of a sunken
18 rear yard. They just want additional space on the
19 roof. Remember these are two-family houses, so it
20 could very well be that one person gets the rear
21 yard, one person gets the roof instead of sharing
22 the same outdoor space.

23 CHAIRPERSON GRULLON: Interesting.
24 Another thing, could you describe the -- I know
25 you moved the application to the Cliff side and

1 now you have the curb cut on the Cliff side,
2 you're going to have the driveways there?

3 MR. PEREIRAS: That's correct.

4 CHAIRPERSON GRULLON: Are you going to
5 have any sort of alarm or something to alert
6 pedestrians? This property is located right next
7 to a school.

8 MR. PEREIRAS: Yes.

9 CHAIRPERSON GRULLON: Small children
10 always moving around that area.

11 MR. PEREIRAS: We normally don't do it
12 for two-families, but since it's right next to a
13 school, I think it is appropriate. We can put a
14 strobe light with an announcer, every time that
15 door starts opening, that strobe light can go off
16 and make a small beep so it will alert children
17 walking or anyone walking on the sidewalk.

18 MR. MAROTTA: Where are the -- sorry, I
19 couldn't find it. Where are the mechanicals
20 located on the roof?

21 CHAIRPERSON GRULLON: I don't see.

22 MR. PEREIRAS: So if you see the
23 stairwell, we basically continued the bulkhead of
24 the stairwell so everything is contained within
25 soundproof walls. So that the mechanicals don't

1 bother either the residents of the building or the
2 neighbors. And it's located right there with an
3 access door from the roof.

4 MR. MAROTTA: They're on the back of the
5 building, that was basically my question?

6 MR. PEREIRAS: They're behind the stair,
7 yes. And that was very important to do because
8 it's a small building because we have an
9 undersized lot, it's every square inch counts.

10 MR. MAROTTA: Okay.

11 CHAIRPERSON GRULLON: How many bathrooms
12 in each unit?

13 MR. PEREIRAS: Two.

14 MR. MAROTTA: Really, I mean --

15 CHAIRPERSON GRULLON: Any other Member
16 of Board has any question?

17 MR. MAROTTA: Really, the criteria,
18 you're not really laying ground work for criteria,
19 but you know --

20 CHAIRPERSON GRULLON: We may have
21 questions later on, but I want to open it to the
22 public at this time. Any member of the public
23 want to step forward on this application?

24 MR. ROJAS: Reynaldo Rojas, 160 18th
25 Street, I'm the property to the west. I mean, it

1 seems like you meet all the requirements, you're
2 not asking for variances for setbacks and things
3 like that like before, which is great. So I mean
4 technically it's up to the Board to approve it or
5 not.

6 Just, again, as a neighbor, my concern
7 is what I brought up before, where we have one
8 family house there now, now we're bringing four
9 families, parking is provided, which is awesome,
10 but again, schools overcrowded, police, fire, it's
11 just more and more and more and more families to
12 Union City every day. That's my main concern.

13 Second concern is, again, I'm the
14 property to the west, directly behind the yard.
15 Solar panels, now you have three three story
16 houses going up. You know, you're a good 20 feet
17 away --

18 MR. PEREIRAS: It's very far.

19 MR. ROJAS: So I think it's better than
20 what it was before. I think we would still like
21 to see some sort of study done just to make sure
22 we're going to be okay with production for the
23 solar panels. Other than that, again, just the
24 concern for the overpopulation of Union City. It
25 seems like you meet all the requirements there, so

1 nothing really else. Thank you.

2 CHAIRPERSON GRULLON: Any other member
3 of the public wants to step forward?

4 MS. PUERTA: Maria Puerta, 160 18th
5 Street. Is the owner planning on living in one?

6 MR. PEREIRAS: He is.

7 MS. PUERTA: He is. He's not going to
8 stay at Troy Tower? For sure, he's coming --

9 MR. PEREIRAS: So actually, you opened
10 up something that I have a request of the Board
11 that the owner requested. He requested that if
12 this Board deemed this application approved,
13 instead of the other version that he prefers, that
14 you also allow him the opportunity, if he so fits,
15 to take a two-family and make it as a single,
16 one-family as well. Same thing, but just instead
17 of two units, one unit.

18 MS. PUERTA: You mean --

19 MR. PEREIRAS: To have the flexibility
20 of being able to do that.

21 MS. PUERTA: You mean to have still --
22 instead of two two-families, one two-family, one
23 one-family?

24 MR. PEREIRAS: So the application
25 continues to be two two-families. And that is

1 what the Board sees, but we'd like the
2 flexibility, that if the owner wants to live there
3 and he thinks he needs additional space, because
4 this is tight, that he could take over that second
5 apartment and it's just one big unit.

6 CHAIRPERSON GRULLON: But --

7 MR. PEREIRAS: And this Board --
8 honestly, this Board doesn't even need to allow
9 that. It would be just as a function of zoning,
10 be allowed to be reduced. However, we spoke to a
11 local construction subcode official and he would
12 like it to be written in the resolution explicitly
13 because he doesn't want to take that into his own
14 hands. So that's why I asked this Board to write
15 that into the resolution. And I know it
16 complicates things a little bit, but this is
17 for -- it actually it doesn't change anything from
18 a zoning standpoint, whether we have four units or
19 three.

20 MS. PEREZ: He's just very committed to
21 living there is what you're saying?

22 MR. MAROTTA: I've never heard that be
23 presented before.

24 MS. PEREIRAS: Right.

25 MR. MAROTTA: I'm not sure if it's

1 necessary that the Board --

2 MR. PEREIRAS: It's not.

3 MR. MAROTTA: -- opine on that.

4 MS. PEREIRAS: We don't believe it is.
5 However, we've come into the problem in the past
6 where if it's not spelled out, the building
7 department will make us come back to this Board
8 for an amendment. And we'd rather not bore this
9 Board, burden this Board with a modification like
10 that. So just the possibility.

11 MR. MAROTTA: But the only question I
12 would have is, from the building department
13 standpoint, if you're going to go to the
14 one-family, don't you have to have plans that
15 address that?

16 MR. PEREIRAS: The building department,
17 not the zoning. I create plans for the building
18 department every single application we have here,
19 they're totally different than these plans.

20 MR. MAROTTA: Okay. I don't see an
21 issue with it, it's a lesser invasive use.

22 MR. PEREIRAS: It is.

23 MR. MAROTTA: So, yeah, I don't see --

24 MS. PEREIRAS: We just appreciate the
25 flexibility on the resolution.

1 MS. PUERTA: So I have a question. So
2 if we were to go with the second plan, the two
3 two-family, does that require the subdivision of
4 this lot?

5 MS. PEREIRAS: So because these lots
6 were consolidated at some point in the past, yes,
7 we are seeking to subdivide.

8 MS. PUERTA: So you're asking for a
9 variance to subdivide?

10 MS. PEREIRAS: We're asking for a
11 subdivision, it's not a variance.

12 MS. PUERTA: So how does that work? May
13 I please be explained? Because I'm a little lost.

14 MR. MAROTTA: So since -- even though
15 they have two lot numbers, when one owner owns
16 both of them, they join, okay, they become one lot
17 for all intents and purposes. So the property
18 owner would not be able to sell one of those lots
19 and not the other. They'd have to do a
20 subdivision to even do that.

21 The authority of the Board is to grant
22 that subdivision, okay, so they can -- we can go
23 ahead and do that and there's no variance for it.
24 The owner -- the variance that is requested is
25 actually the -- has already been stated already

1 because the undersized lot.

2 MS. PUERTA: Perfect.

3 MR. MAROTTA: So the variance would be
4 granted for the same thing we've already
5 discussed.

6 MS. PUERTA: Right. So the last
7 question, as he brought it up, is what's going to
8 happen to our solar panels? We're very concerned
9 about that. I know we discussed that three
10 meetings ago or two meetings ago. And it was
11 brought up that some sort of study could be done,
12 who does it? Who's going to be responsible for
13 that? I mean because I'm not an expert and I
14 don't know if you are, but we can say anything
15 here, but the reality might be something different
16 later.

17 So I would like to see something that
18 guarantees my -- you know, the function of my
19 panels not being affected by this construction.

20 MR. PEREIRAS: I am an expert, I'm an
21 expert in architecture and this, solar studies,
22 this is what we do. Allow me to tell you that you
23 are -- and let me just use the site plan as
24 reference. You're a good seven feet, I'm
25 estimating, here from your property line.

1 MS. PUERTA: Okay.

2 MR. PEREIRAS: And then these buildings
3 are 20 feet away, you're about 27 feet in distance
4 from this property.

5 MS. PUERTA: Okay. And that would allow
6 the panels to work properly?

7 MR. PEREIRAS: Yes.

8 MS. PUERTA: It's your word.

9 MR. PEREIRAS: Um-hum.

10 MS. PUERTA: Perfect. I mean my opinion
11 is --

12 MR. PEREIRAS: Just to be further clear
13 on the testimony -- I'm sorry, I cut you off, I
14 apologize. We are within our height requirements.
15 We're not asking for a variance, we're not asking
16 for anything. If we were -- your concern -- and I
17 know it's your personal concern -- but it's not a
18 concern of this Board because we are within the
19 height requirements. If we were proposing --
20 asking for a variance in height and we were
21 obstructing your panels, then this Board could
22 take that into consideration. We're not. We're
23 at 38 feet, that's what's permitted. We are
24 completely within our rights. And if it did
25 affect your solar panels, it still didn't matter.

1 That said, it doesn't affect your solar panels.

2 MS. PUERTA: Perfect. Last thing. I'm
3 a little concerned about the roof, the kind of
4 like recreation area going on up there. Can we
5 not have it?

6 MR. PEREIRAS: I mean it's the
7 applicant's right to do this. We are very setback
8 from your property. From your building, it's
9 27 feet. From the property line, it's 20 feet. I
10 think that, you know, it shouldn't be a hindrance
11 to you in any way, that someone's 20 feet away on
12 their own property.

13 MR. MAROTTA: The only reason I mention
14 where the utilities are is because it appears they
15 would be closer to your property, this way any
16 activity on the roof would be further towards --
17 closer towards Cliff, right?

18 MS. PEREIRAS: Very good point.

19 MR. MAROTTA: Or do I have that wrong?
20 So you would have a little buffer.

21 MS. PUERTA: Right, right. And I just
22 wanted to make clear that as a family and also
23 members of the community and homeowners in Union
24 City, we care for our city just as much as you do
25 and everybody else who lives in Union City. I

1 have a huge concern in terms of our population
2 growing exponentially, not only the people that we
3 already have here, our families continue to grow,
4 right, but the people that are moving into our
5 City, it seems like even getting here tonight,
6 it's really bad. Trying to find a parking spot to
7 come here tonight, it's pretty awful. You know,
8 we're always late because we can't find a parking
9 spot, right.

10 And I'm just saying this because I'm not
11 opposing and I don't -- I love the City to get in
12 better shape, I love the new -- some of the new
13 construction around the City are beautiful. And
14 that brings value to my community, to my town,
15 right. However, I feel like we got to do
16 something to stop the influx of people in Union
17 City. There's got to be some sort of control
18 because soon we're going to be living in Hoboken.
19 And I don't know who's paying attention to that.
20 And I just feel like there's an obsession to turn
21 every single lot into multifamily. And are we
22 building for more people to come in or are we
23 building for our people that are already here?
24 Most of the people here can't afford any of these
25 properties. They can't afford them as they are

1 already.

2 MR. PEREIRAS: I think that statement
3 might be more appropriate for other projects.
4 These are two-family houses.

5 MS. PUERTA: I understand and --

6 MR. PEREIRAS: And just because I have
7 the opportunity to speak, I'm going to say
8 something very simple that I believe in very
9 strongly. I think one of the beauties of Union
10 City and one of the reasons it's such a gem is
11 because we're so densely populated. We're one of
12 the most densely populated cities in the entire
13 country. I think that that lends itself to part
14 of the beauty of it.

15 We have the best of everything. Why?
16 Because we have high density. Very simple
17 example. We have the highest grossing McDonald's
18 in the entire world in Union City. Why? Because
19 we have so many people because we grow. Our
20 bodegas, our delis, everything has the best fresh
21 food. Why? Because there's so many people and
22 it's moving through. Density is a beautiful thing
23 and don't knock it just because of the density.

24 MS. PUERTA: I'm not saying I'm not --
25 because of density, but it is something to also

1 take into -- to keep an eye on. Because our
2 resources, you know, with the growth of
3 population, a lot of things change. We need to
4 have resources to better serve all the population
5 in the City. In every single city, you need
6 hospitals, you need emergency services, you need
7 everything, schools --

8 MR. PEREIRAS: Because of our density,
9 we have one of the best school systems in the
10 entire country.

11 MS. PUERTA: Yeah, but that also
12 increases your taxes, everybody here who's a
13 homeowner has to afford that. Most of our tax
14 money goes into all these emergency services,
15 right, police department, fire department, right.
16 The bigger the population, the more calls we get
17 for fires, the more people we have to have there
18 to serve these fires.

19 So I know it may not be the conversation
20 for the Board, but it's a huge concern. I didn't
21 know if it's a concern for everybody else in this
22 room, but it is for me. And not only coming to
23 Union City, but the whole State of New Jersey, you
24 know. And it just -- we can't just continue to
25 allow every single city to grow. We can't just

1 continue to accept all these people.

2 MR. PEREIRAS: We should just close our
3 borders?

4 MS. PUERTA: No, no, I'm not talking
5 about that. We have plenty of room in the U.S.
6 plenty of room, believe me.

7 MR. PEREIRAS: Just not here.

8 MS. PUERTA: We can't just keep on
9 building on top of buildings, that's what I'm
10 saying. There's plenty of room to spread out,
11 plenty of room. Not everybody has to come to live
12 in Union City, trust me. That's my main concern.

13 And I know that I oppose variances
14 because I know they follow the land, not the owner
15 and that has an effect in a long run. Whoever
16 buys that property now, builds, sells later,
17 what's going to happen? Who knows what ideas the
18 next owner brings?

19 MR. PEREIRAS: It's a two-family house.

20 MS. PUERTA: And that's how we're
21 changing --

22 MR. PEREIRAS: They're going to live in
23 a beautiful two-family house.

24 MS. PUERTA: Hopefully it stays like
25 that for the next 5,000 years, you know, but

1 that's not always the case.

2 MR. PEREIRAS: That is the case, unless
3 they come back before this Board to change
4 something.

5 MS. PUERTA: That's what I'm saying and
6 we're not going to be here, right? And it would
7 probably serve or fill the needs of that person
8 that comes after, later on. But for now, we have
9 a lot of needs in our City that need to be taken
10 care of that we are ignoring.

11 And, again, may not be the conversation
12 for this place, but it's one of the reasons why we
13 were opposing the other three families, which
14 you're still bringing three families or four
15 families. I mean now you're in better terms with
16 the -- you know, the requirements of the City,
17 it's great, but --

18 MR. PEREIRAS: It's a good point.

19 MS. PUERTA: -- it's something to think
20 about.

21 MR. PEREIRAS: The other one was three
22 families, now we have four families.

23 MS. PUERTA: That's fine, that's fine.
24 But it's doesn't mean that we're not concerned
25 about the population coming into the concerned and

1 the parking situation. It's just something to
2 think about for the future. Thank you.

3 CHAIRPERSON GRULLON: Thank you. Any
4 other members of public? Mr. Garcia.

5 MR. GARCIA: Andreas Garcia, 121 34th
6 Street. I want to challenge her comment regarding
7 Union City. I remember back when I was a
8 teenager, I came -- actually came to Secaucus, but
9 we used to have family at 711 Sip Street and I
10 used to hate Union City. And I really -- I'm
11 really, really proud now to live in Union City
12 since 1999 because I've been seeing all the
13 changes. And I think all the changes are for
14 good. And the most things that I like about Union
15 City is that we are open to all the culture,
16 doesn't matter where you coming from, so we're
17 open.

18 I think that the new proposal, the
19 two-family houses, recollect the information about
20 the October meeting, that one of the member of the
21 public mentioned that the school, if they change
22 the driveway to 18th Street, is next to the
23 school. And then this one is just -- isn't going
24 to three driveway, only going to be two driveway.

25 Also, as per you requesting the

1 variance, it's only two variances, right?

2 MR. PEREIRAS: Right.

3 MR. GARCIA: So if you come, let's say,
4 just with two-family house, let's say that, you
5 take the whole lot for a two-family house, you can
6 go all the way to 38 feet, right?

7 MR. PEREIRAS: Yes.

8 MR. GARCIA: So I mention this because I
9 think that this is a great application for that
10 area. And also not only that, if you drive
11 around, and also she live next to the property,
12 that height and that density is what you have
13 around there, right or wrong? So everything is
14 residential, it's just two-family. I never -- I
15 think the only big one is Troy Towers, that's a
16 few blocks away.

17 But I think I really want to thank the
18 applicant. To understand it, the other one, the
19 other application had a really, really bad impact
20 for the kids in the school and bring in this one.
21 Because I think that if he's a greedy investor, he
22 could come with something else. But I think it's
23 -- please, congratulate the applicant and I think
24 it's a great, a plus for that area. That's my
25 opinion.

1 MS. PEREIRAS: Thank you.

2 CHAIRPERSON GRULLON: Any other member
3 of the public? Close to the public.

4 Mr. Pereiras, again, you know the
5 request to move the curb cut from 18th Street and
6 move it to Cliff, making it instead of three,
7 making it only two curb cuts, I think that
8 improved the application. I know the density,
9 we're not -- you're meeting the requirement, which
10 is two-family houses. But as you mentioned before
11 that maybe the owner is going to occupy one of the
12 units and it's going to make it a one unit
13 building. And actually that was what we were
14 looking for, to have the same one-family unit
15 building that you have on 18th Street, to have
16 two-family units building on the 18th Street side.

17 That's something that I want to put as a
18 condition for -- just to make one for the owner
19 and the other one a two-family. And the other
20 thing is that --

21 MR. PEREIRAS: So you're not granting
22 two two-families? You're making that motion?

23 CHAIRPERSON GRULLON: Let me just
24 finish. And then the roof deck that you have, I
25 understand that maybe the second floor apartment

1 might need to have some open area, open space
2 area, but just to have the utilities room in the
3 back of the building, that way it doesn't go all
4 the way to the back and only make it to the front.
5 The deck area, just to use the front side of the
6 building on the Cliff side. Do you understand?

7 MR. PEREIRAS: Three quarters of the
8 front, give a setback?

9 CHAIRPERSON GRULLON: Yes.

10 MR. PEREIRAS: How much of setback,
11 10 feet?

12 CHAIRPERSON GRULLON: 10 feet, 10 feet
13 of the roof deck. And then as you mentioned, that
14 one of the units going to be used as one-family
15 building.

16 MS. PEREIRAS: Mr. Grullon, we just
17 wanted the flexibility. Most likely it's going to
18 be used as a one-family, but the application is
19 for two two-families. But, yes, the use of the
20 roof deck is for one -- I think maybe that was the
21 question, whether the roof deck would be used for
22 one unit and the backyard for another?

23 MR. MAROTTA: No, I don't think that was
24 the point. But going to it, if it is created, if
25 it is utilized as a single family, you might have

1 to come back if he wants to change it back into a
2 two-family. You might have to come back. I'm not
3 sure about that.

4 MR. PEREIRAS: Yeah, if he wants to go
5 back to a two-family, you would have to come back
6 to the Board.

7 MS. PEREZ: So what are we voting on,
8 one-family or two-family?

9 MR. MAROTTA: They want a two-family
10 with the flexibility to be a one-family. They
11 want it in the resolution so that the building
12 department doesn't require them to come back
13 because of a change.

14 MS. PEREZ: So we get flexibility for
15 both or flexibility for one?

16 MR. MAROTTA: Yeah, they want -- well, I
17 think they're only asking for one of the
18 buildings, but the thing is the Chairman did make
19 a comment he wanted it as a condition that only
20 one of the --

21 CHAIRPERSON GRULLON: Only one of the
22 buildings to be approved as one-family and the
23 other one as a two-family. Instead of approving
24 four families, it would be three families.

25 MR. PEREIRAS: Our application is firmly

1 two two-family houses.

2 MR. MAROTTA: We understand your
3 application. But the application needs variances.

4 MR. PEREIRAS: Right. And I'm just
5 stating again --

6 MR. MAROTTA: It's not an as-of-right.

7 MR. PEREIRAS: -- our application is
8 firmly two two-family houses.

9 CHAIRPERSON GRULLON: The concern of the
10 Board is the density.

11 MS. PEREIRAS: We're not seeking any
12 kind of a density variance on this, two
13 two-families would be permitted.

14 MR. PEREIRAS: Everything is
15 as-of-right, it's permitted.

16 MR. MAROTTA: Not everything is
17 as-of-right.

18 MR. PEREIRAS: What's not as-of-right is
19 the lot size, those are preexisting
20 nonconformities.

21 MR. MAROTTA: It's not a preexisting
22 nonconformity.

23 MS. PEREIRAS: That also requires --

24 MR. MAROTTA: It's a preexisting lot
25 size, but you're changing the total use of the

1 property to two different buildings. So you can't
2 make that analogy.

3 MR. PEREIRAS: But we conform with all
4 the bulk requirements.

5 MR. MAROTTA: You conform with
6 everything else.

7 MR. PEREIRAS: How could you deny an
8 application when it conforms with all the bulk
9 requirements?

10 MR. MAROTTA: Because it doesn't conform
11 with all the requirements, you're asking for two
12 variances.

13 MR. PEREIRAS: For lot size.

14 MR. MAROTTA: This is not an as-of-right
15 application.

16 CHAIRPERSON GRULLON: You said you have
17 three beautiful one-families as of right. That's
18 what we're looking to see. When you turn it
19 around and make it two buildings to make it
20 one-family each, that's what we were expecting to
21 see.

22 MR. PEREIRAS: We're not asking for
23 variances on side yard, rear yard, or anything.
24 We're taking our undersized lot and making the
25 building fit within that undersized lot. We're

1 complying with all the requirements. We are
2 entitled to two units.

3 MR. MAROTTA: No, you're not. You're
4 entitled to this application, unless the Board
5 approves the variance. You have an undersized
6 lot.

7 MR. PEREIRAS: But what is the Board's
8 stance, why would that undersized lot not allow --

9 MR. MAROTTA: I understand.

10 MR. PEREIRAS: -- for two units on the
11 lot.

12 MR. MAROTTA: I'm not saying the Board
13 shouldn't grant it. I'm saying though --

14 MR. PEREIRAS: We're asking for a
15 variance --

16 MR. MAROTTA: -- your argument is --

17 MR. PEREIRAS: -- on lot depth and lot
18 area. The lot depth is a preexisting
19 nonconformance, period, no matter what. No matter
20 what gets built on the site, there's a preexisting
21 nonconformity for lot depth.

22 Our building, because we had -- a
23 typical two-family house is about 80 feet deep in
24 Union City, okay. You have a rear yard of
25 20 feet, if it's a zero setback in the front, if

1 it has setback like this, let's say it's a 10 feet
2 setback, you have a 70 foot deep building. That's
3 not what we're doing here. We've reduced the size
4 of our building in conformance with our smaller
5 lot size. Therefore, we're meeting all those
6 requirements, we're entitled to the density of
7 what's permitted on the lot, which is a two-family
8 house.

9 MR. MAROTTA: Again, the only thing that
10 your characterization of entitlement is not
11 accurate.

12 MS. PEREIRAS: Counsel, what I would
13 like to just --

14 MR. PEREIRAS: I understand, Counsel.

15 MS. PEREIRAS: -- point out to the Board
16 and to the --

17 MR. MAROTTA: I appreciate what was done
18 with the lot to make it fit the size of the actual
19 lot. I understand that.

20 MS. PEREIRAS: Again, this applicant
21 came originally with these three one-family homes
22 because that was -- his dream was to occupy one of
23 those. He thought this was a great fit for the
24 neighborhood. We heard comments from the
25 neighbors, we heard comments from the Board. We

1 tried to modify this application to meet those
2 requirements, while still making it work for the
3 applicant. And I hope that the Board, as well as
4 the neighbors, can appreciate that he went back to
5 the drawing board, renoticed, republished, did
6 everything to try to meet what this Board
7 requested.

8 And this is a very traditional typical
9 application here in town that's granted very
10 frequently. And I can say that because I come
11 before this Board every single month. So to see
12 that requirement here, to have him only have a
13 one-family I think is a little harsh. I'm only
14 asking for the Board to consider the work that's
15 been done to get to this point.

16 CHAIRPERSON GRULLON: Yes. And we are
17 considering that. And that's the reason why I'm
18 saying that the Board, you know, appreciates that
19 they moved the curb cuts to the 18th Street side.
20 And as Mr. Pereiras mentioned, that the owner may
21 be occupying one of the buildings, we would still
22 be approving three units, three families, into two
23 buildings. And that's the intention -- I mean
24 that's my opinion.

25 And also, I don't know if you want me to

1 make a motion with that, you can --

2 MR. PEREIRAS: I understand your opinion
3 completely.

4 MR. MAROTTA: If I can address the
5 legality of it? Okay. So if the Board is not
6 going to permit the two families, the Board's
7 option is to deny the application because they're
8 not presenting -- they're not agreeing to the
9 condition. They want the flexibility to have a
10 two-family. So the Board would have to deny the
11 application, if they want -- if the applicant did
12 not agree to that condition and the Board does not
13 want two two-families.

14 MR. PEREIRAS: So we --

15 MR. MAROTTA: Excuse me, sir, one
16 second.

17 MR. PEREIRAS: And this would be
18 appealed and it would be handled in the courts.

19 MR. MAROTTA: And that would be your
20 option. Obviously, there's nothing wrong with
21 that. I will let you know that you haven't come
22 forward with a planner tonight to address the
23 criteria.

24 MR. PEREIRAS: We have no D variances.

25 MR. MAROTTA: I understand that, but you

1 haven't addressed any of the criteria for the C
2 variances.

3 MR. PEREIRAS: We have no C variances,
4 other than lot size. And in lot size, we only
5 have to demonstrate that there's a hardship
6 because it's an undersized lot. We cannot
7 purchase any property along -- we can't purchase
8 property to grow the property in any way. There's
9 no additional testimony necessary.

10 MR. MAROTTA: And I understand, but that
11 doesn't mean just because it's a small lot, you
12 get to build what you want.

13 MR. PEREIRAS: We're not asking to build
14 a -- we want to build what's permitted on the
15 district, which is a two-family house.

16 MR. MAROTTA: I respectfully disagree,
17 I'm sorry.

18 MR. PEREIRAS: Counsel, is a two-family
19 lot permitted in this district?

20 MR. MAROTTA: Of course. It's an
21 undersized lot though, that's not permitted in
22 this district without a variance.

23 MR. GARCIA: The only thing -- the
24 question that I have here, you're saying that if I
25 buy that property, and I wanted to build a

1 one-family house, do I still need to come to this
2 Board?

3 MS. PEREIRAS: Yes.

4 MR. GARCIA: So anything that needs to
5 be done --

6 MR. MAROTTA: It's a nonconforming use
7 right now.

8 MR. PEREIRAS: This is in Union City.
9 Most other municipalities, most -- I would say
10 probably like 70 percent have a stipulation that
11 preexisting nonconforming lots do not have to go
12 before the Board because it's a preexisting
13 condition. Jersey City is like that, multiple
14 towns. Union City does not have that. So
15 anything that happens in an undersized lot needs
16 to come before this Board.

17 MR. MAROTTA: I don't understand that, I
18 don't understand your statement about -- I don't
19 get it. I'm sorry, I don't understand that.

20 MR. PEREIRAS: So zoning ordinances have
21 lot requirements, okay. Union City has 25 by 100,
22 just using Jersey City as an example, it's our
23 neighbor and it's, you know, literally across the
24 street. If you have a lot in Jersey City that's
25 25 by 90, okay, you could go straight to the

1 building department and build, as long as you meet
2 the bulk requirements of the building outside.
3 You don't have to go for variance for lot depth,
4 even though the minimum lot size in Jersey City is
5 100, you don't have to go for lot area. It's not
6 required, okay.

7 That is outside of this realm, this is
8 Union City. Union City does not have that
9 stipulated in the ordinance. However, when an
10 applicant meets all the requirements of the
11 ordinance, all the setbacks, everything, and the
12 only thing that's not conforming is a preexisting
13 condition that is completely common throughout
14 Union City and you have multiple properties that
15 are undersized and are approved as two-family
16 houses, then that decision becomes arbitrary and
17 capricious.

18 MR. MAROTTA: That is not so, I disagree
19 with that characterization. You have a zoning
20 ordinance, the zoning ordinance is valid.
21 Challenge the zoning ordinance.

22 MR. PEREIRAS: I'm not, I'm not
23 challenging --

24 CHAIRPERSON GRULLON: I disagree with
25 that every neighborhood is unique. Every

1 application has to fit that neighborhood. And,
2 you know, again, going back to that. You had a
3 beautiful application with the three one-families.
4 It was a super undersized lot because you were
5 subdividing into three lots of 25 by 50.

6 MR. MAROTTA: Actually, there was no --

7 MS. PEREIRAS: We weren't seeking a
8 subdivision.

9 MR. MAROTTA: -- subdivision. I thought
10 you would have an issue with that, but that's not
11 for this Board, but there was no subdivision.

12 CHAIRPERSON GRULLON: But they were
13 making three --

14 MR. MAROTTA: Buildings.

15 CHAIRPERSON GRULLON: -- buildings.

16 MR. MAROTTA: On one lot.

17 CHAIRPERSON GRULLON: Of 25 by 50. Now
18 you got the opportunity to make it even better at
19 25 by 75. I was hoping that you would come up
20 with two one unit buildings. But now these are
21 two two unit buildings. Any other Member of Board
22 has any comments? Any member of the public?

23 MR. GARCIA: I'm going to make my last
24 comment. Just for record, I don't know the
25 applicant, I think that is a little bit unfair to

1 limit it that property, no matter who's the owner,
2 to bring an application that please everybody, I
3 think. Because if they are -- I'm talking, I
4 repeat for the record, I don't know the owner, I
5 don't know the history of the property.

6 However, I think I'm just talking for
7 myself, if I like the property to go there and say
8 oh, my God I can't do anything, I have to limit
9 myself to live in the house that is there. So I
10 think just because it's not normal 25 by 100, I
11 think it's unfair a little bit unfair. If they're
12 coming with no variance for density, no density
13 for parking, no variance for setback, just for the
14 lot size, I think it's -- it's my own comment, as
15 a citizen of Union City and a person who always
16 like the better for Union City and for the
17 community here, for all the residents. Thank you.

18 MS. PEREIRAS: Just as a reminder, this
19 applicant is a resident of Union City, you
20 mentioned he's in Troy Towers. This is somebody
21 who doesn't want to leave his community, his
22 neighborhood, okay. This is someone whose goal
23 was to construct his home there. We only sought
24 that flexibility --

25 MR. MAROTTA: Could we have a side-bar,

1 go off the record, please.

2

3 (Discussion held off the record.)

4

5 MR. VALLEJO: Back on the record.

6 CHAIRPERSON GRULLON: Ms. Pereiras, Mr.

7 Pereiras, we had an opportunity to discuss the

8 matter on the side-bar. And I believe that you

9 are -- our concerns were presented to your client.

10 Can you explain the new -- what we agreed to?

11 MS. PEREIRAS: Sure. As we mentioned
12 earlier, the goal and dream of our client is to
13 live here, so he has no issue with the condition
14 of one of the structures being one family. Mr.
15 Pereiras, can you address anything regarding the
16 mechanicals?

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

18 We are, in order to create a buffer
19 between the neighbor, the concerned neighbor
20 that's present here today, we're going to put the
21 mechanicals along the rear of the house with a
22 small setback so that that creates an additional
23 buffer from the rooftop deck.

24 CHAIRMAN GRULLON: And that setback is
25 going to be 10 feet away?

1 MR. PEREIRAS: It will be 10 feet from
2 the building edge.

3 MR. MAROTTA: So it won't impact as far
4 as light or -- okay.

5 CHAIRPERSON GRULLON: Okay.

6 MR. VALLEJO: Mention the conditions.

7 CHAIRPERSON GRULLON: With those
8 conditions and we need to see revised plans
9 because you're going to have a new layout of the
10 floor plan for one of the buildings?

11 MR. PEREIRAS: Correct.

12 CHAIRPERSON GRULLON: With the condition
13 of that and revised plans and also the layout of
14 the roof deck, I make a motion to grant the
15 application.

16 MR. VALLEJO: Motion to grant the
17 application by Mr. Grullon with the conditions.

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

20 MR. VALLEJO: Two one-family homes,
21 right?

22 MR. MAROTTA: Two family and one family.
23 Does it matter which one?

24 CHAIRPERSON GRULLON: Three families.

25 MS. PEREIRAS: Please don't.

1 CHAIRPERSON GRULLON: One with
2 two-family.

3 MR. MAROTTA: Yeah.

4 MR. VALLEJO: We are going to vote for
5 the subdivision first. Can we have a motion for
6 the subdivision.

7 CHAIRPERSON GRULLON: Motion for the
8 subdivision.

9 VICE CHAIRPERSON GUTIERREZ: Second.

10 MR. VALLEJO: Motion by Mr. Grullon,
11 seconded by Ms. Gutierrez for the subdivision.

12 Roll call on the subdivision.

13 Mr. Grullon.

14 CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 MR. VALLEJO: Mr. Ortiz.

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Five in favor, motion
24 carries for the subdivision.

25 Now, it's two separate lots, which lot

1 is going to be one and two?

2 MS. PEREIRAS: I would ask if we could
3 have some flexibility on that so that we can
4 confer with our client?

5 CHAIRPERSON GRULLON: You'll present
6 that on the revised plans.

7 MS. PEREIRAS: We'll have an opportunity
8 to speak with him and make that decision and we'll
9 provide the revised drawings prior to.

10 MR. MAROTTA: I have no issue with that.

11 MR. VALLEJO: Okay.

12 MS. PEREIRAS: Thank you, Counsel.

13 MR. VALLEJO: Now, can I have a motion
14 for the buildings?

15 MR. MAROTTA: Motion to approve the
16 application.

17 CHAIRPERSON GRULLON: Motion to approve
18 the application for one one-family and one
19 two-family, total of three families.

20 MR. VALLEJO: Motion on the table to
21 approve this application two and one family by Mr.
22 Grullon.

23 VICE CHAIRPERSON GUTIERREZ: Second it.

24 MR. VALLEJO: Seconded by Ms. Gutierrez,
25 revised plans required.

1 Roll call on the motion.

2 Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Pena.

9 MS. PENA: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

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

14 CHAIRPERSON GRULLON: For the record, I
15 want to thank the applicant for listening to the
16 residents and to the Board, our concerns. I know
17 that you're permitted to have four family there,
18 it's good to have less density in that area.

19 MS. PEREIRAS: Thank you for your
20 comments, Mr. Grullon.

21 CHAIRPERSON GRULLON: Thank you to all
22 of you for coming up and giving us --

23 MS. PUERTA: Thank you for allowing us
24 to come here and voice our opinions. And as well
25 to you guys, you did a great job. And I just -- I

1 just made it clear to the Chairman, this is
2 nothing personal. We're going to love our new
3 neighbors, we're not this annoying. We want to
4 protect our neighbor and our assets. I'm sure if
5 he was on the other side, he would have been here
6 fighting for the same. So we're good.

7 MS. PEREIRAS: Merry Christmas.

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1 **ADJOURNMENT:**

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

6 MS. PEREZ: Motion.

7 VICE CHAIRPERSON GUTIERREZ: Second.

8 MR. VALLEJO: Motion by Ms. Perez,
9 seconded by Ms. Gutierrez.

10 All in favor?

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

14
15 MR. VALLEJO: The ayes have it. Let the
16 record show that the meeting has ended.

17
18 (Whereupon the meeting was adjourned at
19 9:15 p.m.)

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C E R T I F I C A T E

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

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700