

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

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

Union City High School
Media Center
2500 Kennedy Boulevard
Union City, New Jersey

Thursday, January 12, 2023
Commencing at 6:11 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
ROSIO PENA
GERALDINE PEREZ

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

LIBERO MAROTTA
MINDRY WATLEY
RAYMOND CETINICH

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

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Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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BIANCA PEREIRAS, ESQ.
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314 13th Street, LLC
314 13th Street

WITNESSPAGE

MANUEL PEREIRAS

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ALEXANDER DOUGHERTY

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314 37th, LLC
314 37th Street

WITNESSPAGE

MANUEL PEREIRAS

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Planning exhibit

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

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Jorge & Zaida Turbay
731-733 30th Street

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Jorge Perez
514 36th Street

WITNESSPAGE

MANUEL PEREIRAS

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ALEXANDER DOUGHERTY

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Planning exhibit

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

3 Please take notice that on Thursday,
4 January 12, 2023, at 6:00 p.m., a regular meeting
5 is scheduled for the City of Union City Zoning
6 Board of Adjustment, to be held in Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

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

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

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

21

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

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

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

Mr. Grullon.

CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Mr. Marotta is absent.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Here.

MR. VALLEJO: Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley is absent.

Mr. Cetinich is absent.

Let the record indicate there are five present.

* * * *

RE-ORGANIZATION TO ELECT CHAIR AND VICE CHAIR:

MR. VALLEJO: Okay. We're going to reorganization to elect chair and vice chairperson.

Can I have a motion to nominate a chairperson?

VICE CHAIRPERSON GUTIERREZ: I make a motion to nominate Victor Gullon.

MR. VALLEJO: Motion to nominate Mr. Gullon as chairperson by Ms. Gutierrez.

Can I have a second?

MR. ORTIZ: Second.

MR. VALLEJO: Seconded by Mr. Ortiz.

Any other nomination? Seeing none, roll call on the motion.

Mr. Gullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Five in favor, motion
3 carries. Congratulations, Mr. Gullon, as the
4 chairperson.

5 CHAIRPERSON GRULLON: Thank you.

6 MR. VALLEJO: Can I have a motion to
7 nominate a vice chairperson?

8 CHAIRPERSON GRULLON: Motion to nominate
9 Margarita Gutierrez.

10 MR. VALLEJO: Motion by Mr. Gullon to
11 nominate Margarita Gutierrez as vice chairperson.

12 MS. PENA: Second.

13 MR. VALLEJO: Seconded by Ms. Pena.

14 Any other nomination? Seeing none, roll
15 call on the motion.

16 Mr. Gullon.

17 CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 VICE CHAIRPERSON GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. Pena.

23 MS. PENA: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

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

3 VICE CHAIRPERSON GUTIERREZ: Thank you.

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ADOPTION OF MINUTES:

MR. VALLEJO: We're going to move approval of previous meeting minutes from December 8, 2022. Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Second by Ms. Gutierrez.

Roll call on the motion.

Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Five in favor, motion carries.

* * * *

1 **1512 PALISADE AVENUE -**

2 **1512 PALISADE AVENUE:**

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4 MR. VALLEJO: Hearings and application,
5 number one, 1512 Palisade Avenue, Mr. Paneque,
6 please.

7 MR. PANEQUE: With respect to the
8 application for 1512 Palisade Avenue, the
9 affidavit of publication from The Jersey Journal
10 indicated that notice was published within the ten
11 day period, it was about seven days from today's
12 hearing. As such, the applicant's attorney was
13 informed that the notice was not timely and that
14 he should renotice all of the property owners
15 within 200 foot radius and republish, and his
16 matter would be scheduled for the February 9th
17 meeting.

18 MR. VALLEJO: We don't need a roll call?

19 MR. PANEQUE: No, we don't.

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

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1 **EDWARD MEDINA -**

2 **728 SIP STREET:**

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4 MR. VALLEJO: We're going to move to
5 Edward Medina, 728 Sip Street. Mr. Paneque,
6 please.

7 MR. PANEQUE: On the application of
8 Edward Medina, for the property located at 728 Sip
9 Street, we received a letter from the applicant's
10 attorney, Mr. Alonso, indicating that his client
11 was withdrawing the application. Testimony was
12 taken on this matter. And based on the fact that
13 the applicant is voluntarily withdrawing, we
14 should have a vote on this withdrawal at this
15 time.

16 MR. VALLEJO: Can I have a motion to
17 accept the withdrawing of this application?

18 CHAIRPERSON GRULLON: Motion to accept
19 the withdrawing.

20 VICE CHAIRPERSON GUTIERREZ: Second.

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

24 Mr. Grullon.

25 CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 VICE CHAIRPERSON GUTIERREZ: Yes.

3 MR. VALLEJO: Mr. Ortiz.

4 MR. ORTIZ: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

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

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1 **2705 BERGENLINE, LLC -**

2 **2705 BERGENLINE AVENUE:**

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4 MR. VALLEJO: Moving now to number 3,
5 2705 Bergenline Avenue. Mr. Paneque, please.

6 MR. PANEQUE: Mr. Vallejo's office was
7 provided yesterday with a letter, copy sent to me,
8 from Mr. Adolfo Lopez, attorney for the applicant,
9 indicating that their expert witness would not be
10 available this evening and that he was requesting
11 that the matter be carried to the February 9th
12 meeting.

13 CHAIRPERSON GRULLON: Mr. Paneque, Mr.
14 Lopez indicated that he's going to be waiving the
15 statutory rights?

16 MR. PANEQUE: I will speak to Mr. Lopez
17 to make sure he does waive it. And I should note
18 that testimony has already been taken on this
19 application. It was being carried for purposes
20 of, I believe, the Chairman to look at the
21 property --

22 CHAIRPERSON GRULLON: Yes.

23 MR. PANEQUE: -- and the location. And
24 they were coming back to finalize the application
25 process and have a vote. So since it's Mr.

1 Lopez's request that the matter be carried, there
2 is not going to be a statutory deadline problem.

3 CHAIRPERSON GRULLON: Okay. With that,
4 I make a motion to carry to the next board
5 meeting.

6 VICE CHAIRPERSON GUTIERREZ: Second.

7 MR. VALLEJO: Okay. Motion by Mr.
8 Grullon to carry this application to February 9,
9 2023, seconded by Ms. Gutierrez. Roll call on the
10 motion.

11 Mr. Grullon.

12 CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Ms. Gutierrez.

14 VICE CHAIRPERSON GUTIERREZ: Yes.

15 MR. VALLEJO: Mr. Ortiz.

16 MR. ORTIZ: Yes.

17 MR. VALLEJO: Ms. Pena.

18 MS. PENA: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

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

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1 **314 13TH STREET, LLC -**

2 **312-314 13TH STREET:**

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4 MR. VALLEJO: All right. Number 4, 314
5 13th Street. Mr. Alonso, please.

6 MR. ALONSO: Good evening, Mr. Chairman,
7 Members of the Board, for the record, Alvaro
8 Alonso on behalf of the applicant. I provided
9 counsel with proof of publication and notices for
10 jurisdictional purposes.

11 MR. PANEQUE: Let the record reflect as
12 follows:

13 I've been provided by Mr. Alonso with an
14 affidavit indicating that notice of tonight's
15 hearing with respect to the application for the
16 property located at 312-14 13th Street was sent to
17 all property owners within the 200 foot radius on
18 or about December 31st. The affidavit is signed
19 by Mr. Alonso and it's notarized by Carla Rivera.

20 I've also been provided with an
21 affidavit from The Jersey Journal. This affidavit
22 of publication states that notice of the
23 application with respect to 314 13th Street will
24 be heard by this board on January 12th at a public
25 hearing at the Union City High School at this

1 location. This notice was published in The Jersey
2 Journal on December 31st, 2022.

3 I've also been provided with a copy of
4 the letter that was sent to all property owners,
5 also giving notice of tonight's hearing at this
6 location as well as a tax list from the tax
7 assessor's office with a date of December 14,
8 2022, which gives the name and addresses of all
9 property owners within the 200 foot radius of 314
10 13th Street.

11 I've also been provided with the
12 certified mail receipts with a postmark date of
13 December 30, 2022.

14 Based on the documentation that has been
15 provided by Mr. Alonso, this Board has
16 jurisdiction to proceed and hear this case.

17 MR. ALONSO: Thank you, Mr. Paneque.

18 Just a brief overview, my client is
19 seeking to do an addition to an existing property.
20 The existing use of the property is two two-family
21 homes. They're semi attached, they're attached in
22 the middle, they're not attached on the sides, for
23 a total of four units. And that was confirmed
24 with a typical building department memo. It is
25 two two-family homes that are semi attached.

1 I have two witnesses this evening, Mr.
2 Pereiras, who is coming in right now. And I have
3 also a planner who will follow Mr. Pereiras.

4
5 M A N U E L P E R E I R A S, after having been
6 duly sworn or affirmed, did testify as follows:

7
8 MR. PEREIRAS: Manny Pereiras,
9 P-E-R-E-I-R-A-S, with Pereiras Architects
10 Ubiquitous, 1116 Summit Avenue, Union City.

11 MR. ALONSO: Mr. Chairman, I would ask
12 that Mr. Pereiras be qualified as an expert --

13 CHAIRPERSON GRULLON: We accept his
14 qualifications.

15 MR. ALONSO: Thank you very much.

16 Mr. Pereiras, as I just indicated to the
17 Board, what we're looking to do is expand a
18 preexisting nonconforming use, which consists of
19 two semi attached two-family homes. So I'm going
20 to first ask you to review the existing conditions
21 with the separating wall, two entrances, what
22 identifies it as two separate two-family homes?

23 MR. PEREIRAS: I'd be very happy to. On
24 the easel to my left are the same drawings that
25 were submitted to the Board. There is one added

1 piece of presentation material, which is a colored
2 rendering of the facade. Would you like me to
3 mark that?

4 MR. PANEQUE: Mr. Pereiras, are we on
5 the first page, Z01?

6 MR. PEREIRAS: We are on sheet Z01.

7 MR. PANEQUE: There you go, you were
8 tricking us. Thank you.

9 To answer your question, if that's the
10 rendering that you have, if you could detach that
11 rendering and have that marked, please.

12 MR. PEREIRAS: Absolutely. This is
13 something I'll refer to later on in the drawings.

14 MR. ALONSO: This will be marked as A-1.

15 MR. PANEQUE: Next time, leave the David
16 Copperfield at home.

17 MR. ALONSO: Just identify for the
18 record what A-1 is?

19 MR. PEREIRAS: A-1 is taking the same
20 elevation that was submitted to the Board and
21 simply we added color to it. So that we could
22 understand the materials and what it's going to
23 look like as a finished product.

24 MR. ALONSO: Thank you.

25 MR. PEREIRAS: I'd like to begin by

1 starting at sheet Z02. And sheet Z02, we can see
2 the existing condition of the site. First, you
3 can see that we have a very oversized site. It is
4 45.96 feet, slightly irregular. And then the
5 depth of the site is 126.23 feet on one side and
6 121.46 feet on the other. And what we have on the
7 site, existing today, are two two-family houses
8 that are semi attached along this portion that you
9 see here. So there's no side yard setback along
10 the center portion, they share -- the walls abut
11 and then they do have side yard setbacks on both
12 sides.

13 What we're looking to do is to keep
14 those houses in the location that they're at and
15 we're providing significant additions to the rear
16 and to the front, still conforming as much as we
17 can with the ordinance. Should I continue?

18 MR. ALONSO: Yes, please.

19 MR. PEREIRAS: As you can see from the
20 existing conditions, there were previously three
21 cars that were parked in the front of this house.
22 We massaged the facade a little bit and moved the
23 staircases to the center and made a little smaller
24 so we can accommodate four cars, increasing the
25 number of cars parked at the site, which I think

1 is very critical for this project.

2 In addition to that, we're creating a
3 front addition to the house, leaving that front
4 addition nine feet away from the front yard
5 setback so that we are complying with the front
6 yard setback requirement. That front addition is
7 only above, in the floors above, and the columns
8 that drop down below. Of those columns, the two
9 columns on the end are on the -- are within the
10 side yard setback and that's one of the reasons
11 we're citing -- we're requesting variances on the
12 side yard setback. It's specifically for the two
13 columns and the exist conditions of the house.
14 The additions that we have to the rear are
15 completely conforming to the side yard setback.

16 So on the house to the south, we have a
17 3 foot 2 side yard setback and on the house to the
18 north, we have a 3 foot 2 side yard setback. And
19 we continue the adjoining attachment of houses
20 straight through to the back.

21 We wanted to preserve the rear yard, we
22 thought that was important. So at the worst case
23 scenario, we're at 25 feet, whereas the
24 requirement is 20, we're at 25. And in the best
25 location of the house, we're at 29 feet 7 inches.

1 So we have a very generous rear yard in this
2 house.

3 The curb cut is an existing curb cut,
4 we're not looking to change that in any way. But
5 as I mentioned before, we changed the pedestrian
6 entrance to the house to the middle.

7 I'm changing now to Z03. And on Z03, we
8 can see the existing conditions of the house.
9 Even though this is a very oversized property, the
10 houses are very tiny and not very comfortable for
11 living. As you could see, the bedrooms are
12 shotgun bedrooms, you have to go through one
13 bedroom to get to the living room, and you know to
14 move around the house and that's one of the things
15 that we're create correcting here, to make it
16 comfortable, livable spaces for future tenants.

17 And then this page, you see the existing
18 conditions, the front facade, which we're
19 improving significantly. And the side facades of
20 the house.

21 Here on sheet Z05, we see our proposed
22 conditions. First and foremost, we are
23 maintaining the existing basement of the existing
24 house. That is not growing in any way, the back
25 of it is simply a crawl space. But the existing

1 basements maintain, we have room downstairs for
2 mechanicals and for storage.

3 On the ground floor, we could see the
4 pedestrian entrance that we spoke about here. You
5 take a few steps up to a vestibule. And that
6 vestibule, you have two options on each side. For
7 house 1, unit A, house 1, unit B, and on the
8 opposite side, the equivalent mirror. If I were
9 to take the doorway to house 1, unit A, that leads
10 to the left, that is on the ground floor, just a
11 few steps above the ground floor. And you have
12 living space throughout the entire house, so no
13 bedrooms in that location. We have a beautiful
14 living room, we have a dining room, and we have a
15 big kitchen along the back. And that leads out to
16 a terrace in the rear.

17 If you -- from that interior space, you
18 take these stairs. Those stairs lead you to the
19 bedrooms upstairs as a duplex on that unit and you
20 have three bedrooms upstairs. And they are master
21 bedroom and then two smaller bedrooms along the
22 back. So just to be clear, unit A is this portion
23 of the second floor and the entire length of the
24 first floor.

25 If at the entry of the building, we

1 choose to go to unit B, the upstairs unit, we
2 could take the steps straight upstairs and you're
3 led to the living room, kitchen, dining room space
4 of that unit. And then with these stairs, you
5 could take them another floor up to the third
6 floor. And that third floor, you have the full
7 kitchen plus the three bedrooms in the back, one
8 being the master bedroom with the master suite
9 with its own bath and walk in closet, and two
10 additional bedrooms that share a bathroom.

11 So this is a little bit not like a
12 traditional house, but it's duplex and sandwiched
13 between. Think of it as two L's, one L this way
14 and one L this way. That's the design of the
15 houses. And the other side is exactly the mirror
16 of that.

17 When it comes to our facade, we worked
18 with traditional materials here in the City, which
19 is basically brick. We have a stucco base to the
20 building and from there up, it's brick. And then
21 those columns that I mentioned are accentuated and
22 clad. And this is the idea, we're looking to do a
23 light gray brick to present, very simple. It's in
24 scale with the neighborhood works very well and
25 it's very clearly two two-family houses adjoining

1 each other. And it fits perfectly into the
2 neighborhood.

3 That concludes my testimony and I am
4 open for questions.

5 CHAIRPERSON GRULLON: Mr. Pereiras, just
6 to be clear, the proposed renovation on this house
7 is an addition on the rear and also a floor on
8 top?

9 MR. PEREIRAS: Correct. So we have --

10 CHAIRPERSON GRULLON: Right now, it's
11 two floors?

12 MR. PEREIRAS: Correct. There are two
13 floors, we're doing an addition to the front, an
14 addition to the rear and adding a floor.

15 CHAIRPERSON GRULLON: How high is the
16 building now? And what do you propose to have?

17 MR. PEREIRAS: I flip between existing
18 and proposed. The existing height of the building
19 is 29 feet 4 inches and the proposed height of the
20 building is 34 feet 10 inches, which is in
21 conformance with the ordinance. And just to be
22 clear on that, on the record, it is 34 feet
23 10 inches to the top of the roof, which is what
24 our ordinance defines as the height. Above that,
25 we have a parapet that's 3 foot 6 in height and

1 then we have a bulkhead. And actually let me be
2 clearer on the bulkhead.

3 CHAIRPERSON GRULLON: I was going to ask
4 you that.

5 MR. PEREIRAS: Yeah, let me walk us
6 through that. I almost missed it. There is a
7 stair bulkhead and this is a stair from unit B
8 that leads you to the roof. And that provides a
9 roof deck for unit B. So unit A gets the rear
10 yard and unit B gets roof deck. And then the rear
11 portion of the house is solar panels. We're
12 building a very green building in this project.
13 And we want to install solar panels for that.

14 CHAIRPERSON GRULLON: Now, I don't have
15 anymore questions. Do you have any questions of
16 Mr. Pereiras? If we have anymore, we may go back
17 at the end.

18 Mr. Alonso, you have another witness you
19 said?

20 MR. ALONSO: Yes, I have one more. Did
21 you want to open to the public for Mr. Pereiras?

22 CHAIRPERSON GRULLON: No, no, we'll come
23 back up after.

24 MR. ALONSO: Alex.

25

1 A L E X A N D E R D O U G H E R T Y , after
2 having been duly sworn or affirmed, did testify as
3 follows:

4

5 MR. DOUGHERTY: Alexander Dougherty,
6 last name is D-O-U-G-H-E-R-T-Y, here on behalf of
7 McDonough Associates at 101 Gibraltar Avenue,
8 Suite 1A.

9 CHAIRPERSON GRULLON: Thank you. Mr.
10 Dougherty, we accept your qualifications.

11 MR. DOUGHERTY: Thank you.

12 MR. ALONSO: Okay.

13 CHAIRPERSON GRULLON: Have you been in
14 front of this Board?

15 MR. DOUGHERTY: I've never been in front
16 of Union City.

17 CHAIRPERSON GRULLON: Could you please,
18 for the Board -- your face looks familiar, I
19 thought you had come in front of us.

20 MR. DOUGHERTY: I'm a licensed
21 professional planner, PPE, AICP, both of those are
22 current. I testify in that capacity on a weekly,
23 sometimes daily basis. I've been accepted
24 probably close to 100 boards last year. And my
25 education is Rutgers Bloustein with a masters in

1 city and regional planning, concentration in
2 development and redevelopment and a certification
3 in public policy.

4 CHAIRPERSON GRULLON: This is your first
5 time in Union City?

6 MR. DOUGHERTY: Yes.

7 CHAIRPERSON GRULLON: Thank you. We
8 accept your qualifications.

9 MR. ALONSO: Thank you, Mr. Chairman.

10 Mr. Dougherty, you prepared a planning
11 analysis; is that correct?

12 MR. DOUGHERTY: Yes. And I have some
13 visual exhibits, it's about four pages from
14 McDonough's office, a site orientation if you
15 will. Consists of photos taken on the 11th, so
16 yesterday.

17 MR. ALONSO: We're going to mark that as
18 A-2 and it's 4 pages.

19 MR. DOUGHERTY: I'll start, if I may?
20 Page one really is an aerial view of the property
21 in question here, as the yellow arrow kind of
22 indicates, and as Manny described really well.
23 The yellow building with the very large rear yard
24 front and center on slide one, if you will. Kind
25 of spin the drone around and it gives you more of

1 a feel for the neighborhood and the property,
2 again, identified by the yellow arrow.

3 And then, you know, I think this slide 3
4 here is pretty important as we look at -- this is
5 the rear of the property. It's fairly large rear
6 yard and kind of that jigsaw puzzle piece in the
7 middle of the two buildings or two-family
8 structures there. That's kind of where we're kind
9 of fitting the addition into as far as the rear is
10 concerned, in that piece there. As you heard,
11 still in compliance with the rear yard setback.

12 And again the last shot is really just a
13 further zoomed out drone view kind of showing some
14 compatibility with the existing build out of the
15 surrounding neighborhood. And that's what this is
16 really for, the orientation of the property.

17 And if it please the Board, I'll kind of
18 get right into what we're here for. We are here
19 at 312-314 13th Street, we are one tax lot, Block
20 63, Lot 7, approximately 5,280 square feet. It's
21 developed with, as we described, two independent
22 two-families, kind of side-by-side duplex, if you
23 will.

24 The plan here really is to, as we've
25 heard, really the bulk of it is to modify the

1 interior layout so we don't have the shotgun
2 bedrooms, walking through one bedroom to get to
3 livable space, that type of ordeal. At the same
4 time, to make them a little more habitable. Most
5 of the work is taking place internal as far as
6 configuration, but we do have the addition off to
7 the rear with some small modifications to the
8 front facade, as we've heard.

9 We are in the R residential low density.
10 This is not a permitted use, however, it's a
11 preexisting use. So we're here for a (d) (2) use
12 variance. When we go right into the relief here,
13 the essence of a (d) (2) is site betterment, it's
14 not whether the use belongs or is permitted, it's
15 here. So it's here, it's preexisting.

16 When we look at case law here, courts
17 are pretty clear when you clean up a preexisting
18 nonconforming use, is it more compatible with the
19 neighborhood. I think we can certainly say that
20 here as far as from the massing of the building.
21 We comply with the height, from the rear yard, we
22 comply with height. And we kind of clean up the
23 front, give it a fresh new look while we provide
24 for better housing for the residents of the City.

25 When we look at the positive criteria

1 here, this project provides critically important
2 and necessary what we call missing middle in the
3 planning world for housing. Not everyone can
4 afford a single family house and not everybody
5 wants to live in an apartment complex. So we call
6 the missing middle that two, three, four family
7 build out here. And when we look at that, the
8 missing middle movement is gaining currency as an
9 efficient solution to the housing crisis and
10 housing choices are evolving in response to the
11 shifting demands here.

12 When we look at the project, provides
13 new housing stock and revitalizes the community's
14 ageing housing stock. The project will be built
15 to code and modern. The project promotes
16 conventional planning goals of aesthetic,
17 efficiency, and variety of land uses. All the
18 above promote the fundamental purposes of the land
19 use law. The promote A, E, I and M. And when I
20 look at the negative criteria here, I believe
21 relief may be granted without substantial
22 detriment to the area or the zone plan.

23 This four units or two-family duplex, if
24 you will, is certainly, I believe, compatible with
25 the character of the area as a lot of the aerals

1 show. We do have some more robust housing. The
2 property next to us is also four units. And on
3 the adjoining lots on the side street, we did do
4 an analysis and there was a few other four
5 families in the area, predominantly threes are
6 floating on the neighborhood. I don't think we're
7 too far out of that compatibility zone here,
8 again, a preexisting use.

9 The project has been designed, as I
10 said, to meet all applicable building codes and
11 will produce comfortable units. As you see on
12 your site plans, these units are, you know, 2,600
13 plus square feet, very comfortable in size, and
14 spacious.

15 When we look at some of the C relief
16 here as Manny went over, we do have some side yard
17 relief. I think when we look at the way we
18 designed the building with the columns there
19 supporting the upper floor, it's not an entire
20 building massing in that front side yard area to
21 try to take away from adequate light, air and open
22 space, which is why we have side yard zoning.

23 Again, where we can in the rear, with
24 what we're doing, certainly complies compatible
25 side yard and rear yard. I really do think from a

1 positive negative criteria for that (d) (2)
2 balancing, I don't think it's too detrimental. I
3 think there's more good to the application than
4 public detriments.

5 When we look at the parking here, we
6 took three parking and added more parking with the
7 configuration that's there and the way that works.
8 I do know that parking is a bit of concern for the
9 community. But as a planner looking at this
10 application, a preexisting use, I think we've
11 developed a pretty good project.

12 And with that, I'll conclude. I believe
13 approval would be warranted here.

14 CHAIRPERSON GRULLON: Thank you for your
15 presentation.

16 Let me start by asking you in that area,
17 in the 200 foot radius, buildings like 38 feet or
18 higher, did you have an opportunity to count how
19 many there are?

20 MR. DOUGHERTY: As far as the height?
21 No, I did not. From the aerials, there are a few
22 that are a little higher and there are some
23 that -- I think it's a healthy balance, really
24 some old houses, some newer, some large, some
25 small. I think what's important to note is the

1 height by definition complies with your land use
2 code, your ordinance.

3 CHAIRPERSON GRULLON: You agree in that
4 block, all the other houses are two-story height?

5 MR. DOUGHERTY: Respectfully, yeah. We
6 have some two stories here. And then the large
7 pink one here on page 3, I believe, that looks
8 more like a four, four and a half story. And we
9 have some larger complexes kind of anchoring the
10 corners if you will.

11 MR. PEREIRAS: 1301 and 1303 Palisade
12 Avenue, which is on the same block facing this, so
13 it's only a few houses down. That is a four-story
14 structure plus bulkhead on top, so it's actually
15 even taller. The building directly across from
16 that on 13th Street is a five-story building, it's
17 significantly taller. So, yes, even on the same
18 block, there are buildings that are taller in
19 height.

20 MR. DOUGHERTY: Thank you, Manny. Good
21 healthy balance, if you will.

22 CHAIRPERSON GRULLON: Thank you. I
23 don't have anymore questions.

24 Mr. Pereiras, for the architect, could
25 you go over the rooftop and just explain a little

1 bit about that?

2 MR. PEREIRAS: I'll be very happy to.
3 We designed this rooftop with Union City in mind,
4 knowing what this Board wants and what you
5 consider important. So let me describe it in
6 detail.

7 First and foremost, as you can see, the
8 stairwell to the roof is pushed into the middle of
9 the building, that way it doesn't feel tall from
10 the outside. It's actually barely visible from
11 the street because it's pushed in so
12 significantly. It's actually pushed in about
13 18 feet from the front of the building. And then
14 remember that the building is setback 9 feet as
15 well. So it's pretty far away from the curb so
16 that you don't see that bulkhead coming up. So
17 it's very well hidden.

18 When you walk out there, the roof deck
19 is in this middle portion. We made very sure of
20 that so that you're not overlooking people in the
21 rear and you're not overlooking in the front yard.
22 If you could see, we actually show the parapet in
23 the front. And then we an additional 6 feet where
24 we have a 42 inch guardrail. So the people can't
25 go to the edge of the building in the front and

1 there's no real visibility there towards the
2 sidewalk or towards across the street.

3 And then in the rear, we purposely put
4 our solar panels in the rear and they're set back
5 31 feet 6 inches, so that you don't have someone
6 on the roof overlooking down into another rear
7 yard or towards other houses. So we put it
8 isolated in the middle specifically because we
9 know what this Board is looking for.

10 CHAIRPERSON GRULLON: We are very
11 concerned always with privacy on the other
12 neighbors and that's why my question.

13 MR. PEREIRAS: And after COVID, you
14 know, outdoor space so important to us. And
15 that's why we think it's important for each unit
16 to have their own private outdoor space.

17 CHAIRPERSON GRULLON: That little
18 bulkhead on the back, that square, what is that?
19 Could you describe that, what do you have in
20 there?

21 MR. PEREIRAS: In this --

22 CHAIRPERSON GRULLON: In the roof?

23 MR. PEREIRAS: This portion?

24 CHAIRPERSON GRULLON: Is that the
25 stairs?

1 MR. PEREIRAS: Those are the stairs that
2 I described, they're set back 17 foot 1 inch from
3 the front of the house, another 9 feet from the
4 property line and they're smack in the middle, so
5 that you don't see them from the sidewalk.

6 CHAIRPERSON GRULLON: How high is that
7 bulkhead?

8 MR. PEREIRAS: So the ceiling of it at
9 this point is 8 feet and it drops down with the
10 stairs. So there's a little bit of structure. So
11 at the highest point, it's about 9 foot 6 tall and
12 then it drops down. As you go down and the steps
13 are going down, the bulkhead is also going down.
14 So the closer you are to the front, the lower it's
15 getting.

16 CHAIRPERSON GRULLON: This is for Mr.
17 Spatz. Mr. Spatz, the existing condition of that
18 building is four units?

19 MR. SPATZ: Right.

20 CHAIRPERSON GRULLON: And they have
21 three parking spaces, two bedrooms each?

22 MR. SPATZ: Right.

23 CHAIRPERSON GRULLON: By increasing the
24 amount of bedroom, would that affect the amount of
25 parking required?

1 MR. SPATZ: Yes, it increases the amount
2 of parking that's required, but they also are
3 providing an additional parking space. So there's
4 one per unit, but they do need two per unit.

5 CHAIRPERSON GRULLON: But per unit, it's
6 eight --

7 MR. SPATZ: They would need eight spaces
8 for the four units and they have four spaces.

9 CHAIRPERSON GRULLON: And before?

10 MR. SPATZ: Right. Before, they had --
11 I think they would have needed four -- well, it
12 would have been the same. So it's not based on
13 bedrooms, it's based on units.

14 CHAIRPERSON GRULLON: It's not
15 increasing the parking requirement?

16 MR. SPATZ: That's correct, but they are
17 increasing the amount of parking on the site, but
18 not the demand for parking.

19 CHAIRPERSON GRULLON: Okay.

20 MR. SPATZ: It's the same two per unit,
21 regardless of the number of bedrooms.

22 MR. PEREIRAS: So to clarify that, we're
23 reducing the demand on parking -- we're not
24 reducing the demand. We're reducing the --

25 MR. SPATZ: Shortfall.

1 MR. PEREIRAS: Shortfall. Thank you,
2 Mr. Spatz.

3 CHAIRPERSON GRULLON: The structure, is
4 that going to be demolished completely?

5 MR. PEREIRAS: So we're dealing with an
6 old structure, okay. So there are things that I
7 don't know and I don't have x-ray vision.
8 However, looking at what it is, I think we could
9 keep the majority of that existing structure. And
10 in my professional opinion we will. A lot of the
11 floor joists are going to be replaced, but the
12 existing walls will remain.

13 CHAIRPERSON GRULLON: My question is
14 because I would like to see if there is any
15 opportunity to work with the side yard and try to
16 make it in compliance?

17 MR. PEREIRAS: It makes it a very
18 different financial proposition for this because
19 if we move the side yard, that means we're
20 reconstructing.

21 CHAIRPERSON GRULLON: At least one side,
22 because neither side are you in compliance?

23 MR. ALONSO: With respect to the
24 addition, are we compliant?

25 MR. PEREIRAS: We're fully compliant on

1 the addition.

2 MR. ALONSO: So the side yard is only as
3 to the existing structure, only what is there now.

4 CHAIRPERSON GRULLON: We are concerned
5 in that block, fire, you know, fire department
6 reaching to the back of the building.

7 MR. PEREIRAS: So the existing side
8 yards, on the north side, it's 2 foot 11, we're
9 only an inch shy of the requirement.

10 CHAIRPERSON GRULLON: Can you make it
11 three feet?

12 MR. PEREIRAS: We're only an inch shy of
13 the requirement, so a firefighter can fit through
14 there very comfortably. And on the south side,
15 we're at 2 foot 4. While that is a little bit
16 narrow, it is good enough that somebody could fit
17 through. But we definitely have clearance on the
18 2 foot 11 side.

19 CHAIRPERSON GRULLON: What about the
20 adjacent properties, are they built to the side
21 line? Do they have any spaces?

22 MR. PEREIRAS: So the adjacent property
23 to the north is only a few inches away, I'd say --
24 let's see if it's written down here. It's not
25 written, but it looks like it's less than

1 6 inches. And the property to the south is set
2 back 1 foot 6 inches along the front, but then it
3 goes to the property line a little bit further
4 back.

5 CHAIRPERSON GRULLON: Is that where you
6 have the 2, 4?

7 MR. PEREIRAS: Yes, that's where it's 2,
8 4, for this front portion of the building, the
9 existing. But we're 3 foot 2 at our addition.
10 And the addition is fully conforming.

11 CHAIRPERSON GRULLON: I don't have
12 anymore questions. Do you have any questions?
13 Any Members of the Board have any questions?

14 At this time, I want to open to the
15 public. Any members of the public want to step
16 forward on this application? You don't have any
17 other witnesses?

18 MR. ALONSO: I have no further
19 witnesses.

20 CHAIRPERSON GRULLON: According to the
21 memo from the building department, you have
22 four units approved for that location, so you're
23 not increasing the amount of units. The only
24 requirements is parking, you will be providing at
25 least one parking space for each unit. And the

1 only other variance you require is side yard?

2 MR. PANEQUE: If I may just point out to
3 the Chairman, the applicant is also requesting a
4 use variance because the four-family dwelling is
5 not permitted in the R zone. However, just as a
6 point of clarification -- and maybe Mr. Spatz can
7 shed some light on this -- the property is almost
8 50 feet across, so technically you could have a
9 subdivision and have two 25s, which would then
10 have -- if this property was subdivided right down
11 the middle, you would have two two-families, which
12 would be in conformance, other than the width, you
13 would need a variance for the width, but not lot
14 size because you would conform more than the 2,500
15 square foot lot.

16 MR. SPATZ: That's correct. You could
17 construct two two-family homes on this property.
18 We've treated this as two two-family homes on the
19 overall site by subdividing and constructing two
20 new two-family homes, but these are attached.

21 MR. PANEQUE: I'm not even talking about
22 constructing, I'm just talking about subdividing
23 what's there now. In theory, you could subdivide
24 the existing house that's there now by just
25 putting a fictional line down the middle, having

1 two lots and then you would have two two-families.

2 MR. SPATZ: That is correct, yes.

3 MR. ALONSO: Correct.

4 MR. PANEQUE: So even though the use
5 variance is part of their application for a
6 four-family, the applicant would be within their
7 right to come back with a subdivision. They would
8 have two two-families, same structure, and
9 basically accomplish the same thing except that
10 the only variances they would need at that point
11 would be the width because of the fact that they
12 would be off a few inches.

13 MR. ALONSO: Correct.

14 MR. PANEQUE: Mr. Alonso, anything you
15 want to add?

16 MR. ALONSO: No, that's absolutely
17 correct.

18 CHAIRPERSON GRULLON: But in order to do
19 a subdivision of the lot, you would have to put a
20 request for that.

21 MR. ALONSO: That's correct, but I think
22 Mr. Paneque was talking in a legal theory
23 perspective, not whether we're asking for it or
24 not. It's basically the equivalent whether
25 it's -- it's not a four-family multifamily

1 building it's essentially two two-families that
2 have two separate basements, two separate
3 entrances. It's two families that, for whatever
4 reason, is on one lot. So that's not permitted
5 and that's why we need the use variance to
6 continue that. So should that use variance be
7 denied, it's going to continue anyway as two
8 two-families.

9 CHAIRPERSON GRULLON: Yes, that's
10 correct. Since it's not -- it's a preexisting
11 condition, I don't see any need for that at this
12 moment. You're going to beautify neighborhood,
13 it's going to, you know, bring more life into the
14 area. It's only asking for the parking space and
15 it's providing one per unit. And the side yards,
16 if there's anything else that you can accommodate,
17 just to make it -- to make sure the fire
18 department can get through, please make sure you
19 do so. I make a motion to grant this application.

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

23 VICE CHAIRPERSON GUTIERREZ: I 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.

14 MR. ALONSO: Thank you very much. I'm
15 going to provide Mr. Vallejo with A-1 for your
16 records.

17 MR. VALLEJO: Thank you, sir.

18 MR. ALONSO: Have a good evening.

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1 **603 CENTRAL AVENUE, LLC -**

2 **603-607 CENTRAL AVENUE:**

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4 MR. VALLEJO: We're moving now to number
5 5, it's an extension request by 603 Central
6 Avenue, LLC, 603-607 Central Avenue. Ms.
7 Pereiras, please.

8 MS. PEREIRAS: Thank you very much, Mr.
9 Vallejo.

10 Good evening, everyone. Bianca Pereiras
11 on behalf of the applicant. The Board may recall
12 that back in November of 2020, this Board approved
13 a resolution allowing my client to construct three
14 two-family homes on Central Avenue, 603-607
15 Central Avenue. This is right across from the
16 Lenox building. Unfortunately as we all know, due
17 to the COVID-19 pandemic, there were many delays
18 as to construction. My client also had some
19 additional financial burdens as well. The child
20 that he raised here in town actually started
21 college. So this kind of unfortunately took a
22 little bit of a back burner due to that.

23 He was able to demolish the existing
24 warehouse, however, he's not been able to secure
25 permits for the actual construction. So we are

1 respectfully requesting an extension as to that.

2 CHAIRPERSON GRULLON: Ms. Pereira, you
3 are aware that -- actually, no, sorry. These are
4 two --

5 MS. PEREIRAS: These are two families,
6 very lovely project.

7 CHAIRPERSON GRULLON: You're requesting
8 for a one year extension. This is your first?

9 MS. PEREIRAS: This is our first
10 request.

11 CHAIRPERSON GRULLON: I don't see any
12 problem. Any Board Members? Any members of the
13 public for this application? Hearing none, make a
14 motion to grant this extension.

15 MR. VALLEJO: Motion on the table by Mr.
16 Grullon to grant the one year extension.

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

19 MR. VALLEJO: Seconded by Ms. Gutierrez.

20 MR. PANEQUE: According to the request
21 from Ms. Pereira's office, the date of the
22 resolution was November 12, 2020, that would have
23 given them a two year period through November of
24 2022. As such, the one year extension would be
25 through November of 2023.

1 MS. PEREIRAS: Understood. And that
2 should be sufficient time. Thank you.

3 MR. VALLEJO: Motion on the table to
4 approve the extension by Mr. Grullon, seconded by
5 Ms. Gutierrez. Roll call on the motion.

6 Mr. Grullon.

7 CHAIRPERSON GRULLON: Yes.

8 MR. VALLEJO: Ms. Gutierrez.

9 VICE CHAIRPERSON GUTIERREZ: Yes.

10 MR. VALLEJO: Mr. Ortiz.

11 MR. ORTIZ: Yes.

12 MR. VALLEJO: Ms. Pena.

13 MS. PENA: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

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

18 MS. PEREIRAS: Thank you all very much.

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1 **314 37TH, LLC -**

2 **314 37TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda is 314 37th, LLC, 314 37th
6 Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant for property at 314 37th Street.
9 The Board may recall that we began this
10 presentation at the last meeting and the Board
11 took jurisdiction of this matter. We did hear
12 some testimony from our architect, but just so
13 it's fresh in our minds, I would ask our architect
14 to just recap the application, if I may.

15 Originally, we came in asking for an
16 extension or an addition to an existing -- what we
17 thought was an existing five-family home. This is
18 a home that has been in the Rosenberg family since
19 1996 and has existed as five units ever since that
20 time. When we came in with this application, we
21 uncovered -- or according to the building
22 department records, the building department only
23 recognized two of those units. So our application
24 changed to not only request that extension, but to
25 legalize three of those units. Mr. Pereiras.

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

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

MS. PEREIRAS: Mr. Pereiras, if you could briefly go through the property at 314 37th Street?

MR. PEREIRAS: I'd be very happy to. I did present on this briefly before, so I'm going to try to be as brief as --

CHAIRPERSON GRULLON: Mr. Vallejo, could you confirm the members that were here when they first present the application?

MR. PEREIRAS: I'll go over it from the beginning.

MR. VALLEJO: I have it right here. Present were Mr. Grullon, Ms. Gutierrez, Mr. Ortiz, Ms. Pena, and Ms. Perez.

MS. PEREIRAS: The same people.

MR. VALLEJO: That's poker.

MR. PEREIRAS: So to understand the existing conditions, we have an existing building that is three stories in height. The first floor is where the Rosenbergs live and they've lived

1 there for many years. And then they have two
2 floors above that. And on each of the two floors,
3 there are two apartments. And those -- that has
4 been the condition since they purchased the
5 building. However, as counsel said, the building
6 department only recognizes two of those units. So
7 we're looking to legalize the building as a whole,
8 but the fundamental reason and why we're here
9 before this Board is because the Rosenbergs have a
10 very large family and they're looking to expand
11 their house with a rear addition.

12 It's a bit of a clever solution, a
13 little bit different than what we're used to. The
14 rear of the property, in order to get more living
15 space, what we did is we shifted the rear addition
16 down so that from the Rosenberg level, you have
17 a -- you take a few steps up for the master suite
18 and a few steps down to create a playroom for the
19 children. So even though we have an addition to
20 only one floor, that addition serves -- it's a two
21 level addition. And we shifted it down so that
22 we're not interfering with the windows from
23 the second floor either. So it fits snugly within
24 the building that we have and the site that we
25 have.

1 And as you could see here, facing from
2 the rear, you see the second floor windows, then
3 you see the additional structure that we're doing
4 here. And as you could see, we are a few feet
5 below grade and there's steps that lead you up to
6 grade from there with a door.

7 Just going to the floor plans, we're
8 legalizing these existing units. And I'm just
9 going to give you the description of the units.
10 Unit number 2 is 521 square feet and it is a one
11 bedroom, along the front of the house. Unit 3 is
12 623 square feet and it's to the rear of the house
13 and it's two bedrooms. Unit number 4 is on the
14 front of the house on the third floor, same as
15 unit number 2, it is 521 square feet, one bedroom.
16 And unit number 5 is to the rear of the house, it
17 is 623 and it is two bedrooms as well.

18 The Rosenberg's apartment, as you could
19 see, has the kitchen, the Passover kitchen, the
20 bedrooms for the children, the play area on the
21 lower level and they're now new master bath on the
22 top level. We're redesigning a lot of the
23 bathrooms and the living space they had in the
24 front. We're creating a large dining living room
25 area, basically with the space that they have.

1 The entrance for all the units is
2 through the front at the vestibule. And what this
3 project really creates, since the building
4 department doesn't recognize these units, it's an
5 opportunity to take a building and bring it up to
6 code. We're going to be making sure that
7 everything there is in compliance with fire code,
8 building code, electric, plumbing. So this
9 building is going to conform to the IBC the
10 international building code and the uniform
11 construction code. And all those upgrades will
12 happen to all the units as we're legalizing this
13 building. And that concludes my testimony. I
14 could talk more if you have any questions.

15 CHAIRPERSON GRULLON: Mr. Pereira, I
16 mean the request is to legalize three units?

17 MR. PEREIRAS: So the building
18 department only recognizes two, so we're
19 legalizing three and requesting an addition to the
20 rear. And just to go over the variances --

21 MS. PEREIRAS: We also have a planner.

22 CHAIRPERSON GRULLON: Okay.

23 MR. PEREIRAS: We have, of course, a use
24 variance and we have front yard, which is
25 existing. We have a 1 foot 10 front yard setback,

1 preexisting condition. The rear yard, we're
2 proposing a 14 foot 10 inch rear yard. So there's
3 a variance for that. And side yards are all
4 existing nonconformities and that is a variance.
5 And then lot coverage, we're going to be at
6 100 percent lot coverage, so that's another
7 existing nonconforming.

8 CHAIRPERSON GRULLON: How many stories
9 is the building right now?

10 MR. PEREIRAS: It's three stories and
11 then there's a basement as well. If you -- this
12 is right behind city hall, there's a driveway
13 leading down. That's the basement level and then
14 three stories above that.

15 CHAIRPERSON GRULLON: Do you have the
16 opportunity to visit the building?

17 MR. PEREIRAS: On multiple occasions.

18 CHAIRPERSON GRULLON: I guess the second
19 and third floor, how old do you think those floors
20 are?

21 MR. PEREIRAS: They're over 25 years old
22 easily. Beyond that, it's very hard to specify a
23 date. They might predate the ordinance, but I
24 can't testify to that.

25 CHAIRPERSON GRULLON: The rear yard of

1 the building with the addition is going to be 14,
2 10?

3 MR. PEREIRAS: 14, 7, I believe -- 14,
4 10, you're correct.

5 CHAIRPERSON GRULLON: 14, 10. And you
6 are asking for a variance for that?

7 MR. PEREIRAS: Yes, we are. That is the
8 new variance that we're creating. And we're
9 expanding on side yard because the addition is in
10 line with the rest of the building. And we do
11 have a planner.

12 CHAIRPERSON GRULLON: Let me hear the
13 planner.

14 MS. PEREIRAS: Mr. Dougherty.

15 CHAIRPERSON GRULLON: Thank you, Mr.
16 Pereiras.

17

18 A L E X A N D E R D O U G H E R T Y, previously
19 sworn:

20

21 MS. PEREIRAS: Mr. Dougherty was
22 previously qualified this very meeting.

23 Mr. Dougherty, are you familiar with the
24 property in question?

25 MR. DOUGHERTY: I am.

1 MS. PEREIRAS: Did you have an
2 opportunity to visit the site?

3 MR. DOUGHERTY: Yes.

4 MS. PEREIRAS: Did you also review the
5 drawings that were prepared by Pereiras
6 Architects?

7 MR. DOUGHERTY: Yes, I have.

8 MS. PEREIRAS: And would you kindly
9 describe this project from a planning perspective?

10 MR. DOUGHERTY: Certainly. If it
11 pleases the Board, I've prepared exhibits for this
12 application, consists of nine sheets, some zoning
13 maps, lots, and then just aerial photos.

14 MR. PANEQUE: We'll have those marked as
15 A-1.

16 MR. DOUGHERTY: I do want to make a
17 distinction. First application, I was here for
18 John McDonough of McDonough Associates, good
19 friend of mine, former boss. This is my LLC, it's
20 located at 53 Main Street in Chatham, it's
21 Dougherty Planning and Development.

22 So the first slide -- there's nine.
23 These were taken by myself. The first page is
24 your City's zoning, the little red arrow kind of
25 the top of the page there, really indicating where

1 we are within the zone, we are in the R low
2 density residential zone indicated in yellow.

3 Slide two, outlined in red, is the lot,
4 if you will, the property in question. We are one
5 tax lot, Block 221, Lot 9 indicated in red here on
6 37th. As you see, we're at Palisades and New York
7 Avenue and 38th as our block.

8 Slide three, taken January 7th,
9 Saturday, myself, visiting the property. That's
10 what the property looks like today, real time.
11 Important to note in this photo, the gentleman off
12 to the left is the property owner of the building
13 to the left, I did have the pleasure of talking
14 with him.

15 The page four is kind of an indication
16 of the rear of the property. This is where the
17 police have their impound, that's where I was
18 here. Property off to the left with the missing
19 siding there is the property in question. And
20 then I start to fly the drone around, as slide
21 five shows. What I'd like to point out once you
22 start looking at the drones is really what's
23 manifested on this block here. And what we're
24 proposing to do, I think, is in harmony with what
25 would exist out there. Especially as start to

1 move more into the rear yard. We see that on
2 page six here.

3 If you take a moment, look at the
4 property to the left of us, substantially taller,
5 goes pretty far back to the rear. The property to
6 our right from the rear on page six here, from my
7 understanding, it's very much familiar to what
8 we're proposing to do here, have the small bump
9 out to accommodate that extra living space there.
10 And it's reflective of the one to the right.

11 Now, the other two properties, the beige
12 one and the tan one, what's interesting about that
13 property is they have detached dwellings to the
14 rear. Those are independent apartments to the
15 rear. So kind of right what you have nestled
16 right here in the core of the block is the
17 structures going into the rear and occupying the
18 rear yards, if you will.

19 As you can tell, right on page six here,
20 directly right across the street, we have a very
21 beautiful and robust condo build out. As we kind
22 of move to page seven, gives you more of that top
23 down approach from the drone. As we can see in
24 the middle here, that's our property in question.
25 So both sides of us, the buildings extend further

1 back. I think what we're trying to accomplish
2 here is a build out that's comparable to the
3 neighbors to the left and to the right.

4 Page eight here is kind of a montage of
5 a four page slide if you will of some of the
6 surrounding properties and what they look like as
7 far as the density. You know, we do have some
8 properties in our immediate neighborhood that have
9 exceeded the density that we're proposing here.
10 And I think, again, you know, it's very comparable
11 to what's already out there today.

12 And then the last slide really is some
13 of the surrounding properties, we have town hall.
14 So we have some apartment complex across from
15 there. We have a second home on the corner there
16 and we have some mixed use retails on the corners
17 as well. With that, I'll conclude for the
18 exhibits. I do want to make a note here on some
19 of the surrounding properties, on Lot 8, I have a
20 three story six unit. Lot 7, I have six units
21 plus the one in the rear. And Lot 6, again, I
22 have three units plus the one in the rear. And
23 the addresses are 316 for Lot 8, 318 for Lot 7 and
24 320 for Lot 6. And that's not including the very
25 large condo directly across the street.

1 And then on the corner of -- I believe
2 it's New York right there, there is a nice
3 laundromat facility with some heavy apartments
4 above that, mixed use. So that's kind of the area
5 here. It's predominantly residential with a
6 healthy balance of lots with unit types, some new,
7 some old, varying degrees of density. I think we
8 have great city retail and commercial for the
9 area, with abundance nearby right at the doorstep.

10 As you heard, the plan is to modify and
11 retrofit the existing building with minor exterior
12 improvements to the rear. The massing from the
13 public realm really in the front does not change,
14 this really takes place to the rear, and the
15 internal guts of the property.

16 We could look at relief from a (d) (2),
17 recognizing the three apartments that the building
18 does not. Or the (d) (1) use variance is a harder
19 criteria to hit, I think we've hit that. If you
20 like, I'll satisfy the (d) (1), as the five units
21 are not allowed within the R zone here. The
22 (d) (1) is what we call site suitability, special
23 reasons. And then we have public impact, and then
24 we have to reconcile it with the zone. (D) (2) is
25 really what I went over before, kind of a

1 preexisting use, and modifying that.

2 When I look at the site itself, I think
3 it's particularly suited for the five apartments
4 by virtue of its condition context condition wide.
5 The site really already has the five apartments,
6 right, it's a residential building, we're putting
7 residents in that building. And it's really a
8 minor retrofit of the interior, small addition to
9 the rear that really is imperceivable from the
10 public realm. Contextually, the neighboring land
11 uses are predominantly residential structures,
12 exceeding three families and up.

13 We're just outside one of the largest
14 metropolitan areas here, we are in PA 1, planned
15 area 1 for the State's redevelopment plan. When
16 we talk about what this project brings to it,
17 parking certainly is an issue in the City. I do
18 want to point out on New York Avenue, we do have
19 the number 22, number 84 and number 159 bus
20 literally just steps away. We have plenty of
21 retail immediately at the doorstep, laundromat
22 across the street, places to shop, eat, and
23 function. So I do think when you look at density
24 it's appropriately placed within this
25 neighborhood.

1 Special reasons. I believe when we look
2 at special reasons, the project promotes purposes
3 of the land use law, such as the project promotes
4 the general welfare with new housing stock for
5 growing population. The project promotes the
6 planning goals to provide diversity of housing
7 options that meets the needs for all people. If
8 we look at the size of these apartments, if you
9 will, I think we have a healthy balance. What I
10 like to point out is on the second and third
11 floors here, that one bedroom apartment, I think
12 that's really what we like, you know, affordable,
13 if you will, one bedroom apartment versus three or
14 four, an entire floor. So we have some options
15 from two bedrooms to one bedroom, some variety.
16 So I think we do hit a healthy balance here.

17 The project again retains what's there,
18 but improves it. The improvements add value and
19 quality to the site, which adds value and quality
20 to the neighborhood. The project promotes
21 efficient land use, variety of land uses, and
22 still the positive aesthetics by virtue of not
23 changing that facade, we're keeping it there, it's
24 what's existed there forever.

25 And, again, for Municipal Land Use Law,

1 we have purpose A, E, which is appropriate
2 populations and densities in appropriate
3 locations, purpose G, purpose I, and purpose M of
4 the Municipal Land Use Law. When I look at the
5 public impact with the negative criteria here, I
6 believe the project will really have minimal
7 impacts, if any. Again, these five units
8 currently exist. And they existed since the '90s.
9 We have sworn testimony that the project will
10 function and be built in code. We have that
11 opportunity to get it to modern code. With some
12 of the old housing stock in our cities, they're
13 not built to code. And when we're talking about
14 housing families and populations, I think safety
15 is paramount. Gutting these buildings, the
16 internal guts, is an added plus here.

17 Again, when we look at the overall
18 building massing, I believe it's compatible with
19 the area. We're not going up, we're merely going
20 back.

21 With that, part four of the Medici test
22 is the zone plan impact. We do have, you know,
23 slight uptick in the unit count than what the zone
24 allows. Again, I think when we look at the fact
25 it's been there for quite some time, we can't dig

1 too deep as far as does it predate the ordinance.
2 But they're there now, we'd like to legalize them
3 there. I don't believe this is tantamount to a
4 rezone. We have to look at these sites
5 specifically, the area. And I believe having the
6 five families here is an appropriate area,
7 especially with the condos across the street and
8 the large mixed use on the corners.

9 When I look at the master plan to
10 reconcile that, I took a look at the
11 re-examination report of 2021 of April. They do
12 have some goals that I think we do hit, preserving
13 the character of the community, encourage economic
14 development. We're putting people next to your
15 downtown corridors, where retail and shopping is
16 plentiful. Protect and preserve the established
17 residential character. This was the established
18 residential character of the neighborhood.

19 When I look at the promote and reenforce
20 the City's desirable residential location and
21 attract the shopping, entertainment and recreation
22 destination and improve the quality of life for
23 residents in the City. I think we're hitting that
24 improvement of quality of life by bringing the
25 building to code. And, again, I think we're

1 promoting the shopping, entertainment and
2 recreation by keeping these families in our
3 community.

4 The 2019 goals and objectives here,
5 again, a lot of that's reflected here. Part two
6 of that advocates smart growth and planning
7 principles to maintain the established
8 neighborhood's of scale without exacerbating
9 burdens on infrastructure. Again, this has been
10 here for quite some time and I don't think we're
11 hitting that. I think we are maintaining that.
12 And we're not exacerbating the neighborhood scale.

13 We do have some C relief as mentioned by
14 Manny. With that being said, minimum front yard
15 setback, 7 feet or prevailing. We're at zero, I
16 believe. You know, when we look at the C relief
17 here, a lot of it is preexisting, falls on the C1
18 hardship. This building, the structure is
19 lawfully existing there on the property as it
20 stands today. So we have front yard setback,
21 minimum side yard, two feet on one versus five for
22 both. We don't meet that, we're at 1.5 and 1.8
23 for both.

24 We have lot coverage. Again, with the
25 lot coverage here, currently, the way it's laid

1 out there now, I believe when we look at this with
2 patio back there, we are going to build where the
3 patio is, kind of conclude that. So we --
4 90 percent is what's required and we're looking at
5 100 percent. Again, it's pretty reflective of
6 what's out there and we're just building over that
7 patio.

8 We have some new C relief, C2 balancing
9 test, looking at the application as a whole, you
10 know, substantially outweighs the detriments, the
11 positives here. The minimum rear yard setback is
12 20. With this proposed addition, we're looking at
13 14. I think when we scale this out, what is the
14 detriment of that rear yard setback. I think we
15 had a healthy balance for some liveable space.
16 And owner occupied building, if you will.

17 From my understanding, talking with the
18 neighbor next door, their rear yard has always
19 been kind of a nuisance, you know, for the
20 property owners. So we have a chance to kind of
21 clean that up, again, to be more reflective with
22 the neighbors to the left and right, and two
23 further in lots as far as accommodating buildable
24 space in the rear yard.

25 We do have parking. With this proposed

1 development, ten is required and zero is provided.
2 This is a longstanding condition on that street,
3 it's not changing. I know they do have a garage.
4 If you look at the exhibits I presented, that
5 garage is not functional. I don't know what car
6 you would pull into that garage, but it's very
7 short, very low. But again this condition here
8 has been there. So I do think this may be more of
9 a preexisting condition, if you will, a C1. But
10 nonetheless, again, I think we have appropriate
11 mass transit and today with Ubers and so forth.
12 Again, the street has accommodated the structure
13 and the five units for quite some time.

14 With that, I'll kind of conclude here.
15 The addition cleans up a problem area on the
16 property. The demand for vehicles is offset by
17 walkability and access to mass transit and service
18 and amenities is abundant, it provides a healthy
19 balance of housing options and a three to one
20 bedroom it will be owner occupied. The project,
21 such as this, helps to fill -- as I went over
22 earlier -- what we call the missing middle in the
23 housing crisis.

24 With that said, I believe the project is
25 particularly suited for the area and the City.

1 Most notably it will add value to the surrounding
2 neighborhood and to the property, statutory
3 criteria for relief has been met and approval
4 would be warranted.

5 CHAIRPERSON GRULLON: Thank you, Mr.
6 Dougherty.

7 MR. DOUGHERTY: Yep.

8 CHAIRPERSON GRULLON: Very well detailed
9 explanation of the request. And also the
10 pictures, they're excellent. They tell the story
11 and show the neighborhood and any questions that
12 we have, we answer it ourselves right here. You
13 know, on the addition, that rear yard, the
14 property to the -- looking from the back, the
15 property to the left, is probably -- it's going,
16 it's deeper than the proposed extension?

17 MR. DOUGHERTY: The property --

18 CHAIRPERSON GRULLON: The property to
19 the left?

20 MR. DOUGHERTY: Yeah, I think what we're
21 looking for is to reflect the left and the right.
22 The right has a bump out that goes back, but it's
23 not the full story, so we're more reflective of
24 that proposed property, instead of the whole three
25 stories being bumped out that far. As far as

1 massing, I think what we're looking at --

2 CHAIRPERSON GRULLON: Maybe Mr. Pereiras
3 can -- how big is the extension?

4 MR. PEREIRAS: The extension to our
5 neighbors goes out further than ours. We're 14
6 foot 7 away from the property line.

7 CHAIRPERSON GRULLON: I mean the two
8 sides, the east side and the west side.

9 MR. PEREIRAS: So on the east side,
10 we're at zero because we're extending the
11 building. And on the west side, we are at, I
12 believe, 3 feet, just to make sure. We're at
13 3 feet 3 inches at the smallest point because it
14 tapers and then it opens up wider.

15 CHAIRPERSON GRULLON: You mentioned --
16 Mr. Pereiras -- thank you.

17 Mr. Pereiras, you mentioned you are
18 going to improve the safety condition of the
19 building, could you elaborate more in detail?

20 MR. PEREIRAS: One of the major
21 differences and this is a game changer when it
22 come to safety is that in legalizing all these
23 units, we have to fully suppress this building
24 with a sprinkler system, okay. The statistics
25 don't lie, in the United States, there have been

1 zero deaths due to fire in buildings that have
2 sprinklers. That's a statistic that still lives
3 today. So it's an extremely safe feature and
4 that's going to be going into this property, okay.

5 Beyond that, there's fire separations
6 that we're creating, there's going to be a one
7 hour separation between apartments, a one hour
8 separation between floors, so that people have
9 time to leave in case of a fire. There's an alarm
10 system that's going to be upgraded. There's going
11 to be a low voltage alarm system in the hallways
12 that's connected, and then there's a 110 volt
13 system within each of the apartments.

14 So from a safety standpoint, this Board
15 is doing a tremendous service not only to this
16 building, but to the neighboring structures by
17 approving this application.

18 CHAIRPERSON GRULLON: Thank you, Mr.
19 Pereiras.

20 Ms. Pereiras, you say this is go to
21 be -- is this owner occupied?

22 MS. PEREIRAS: It is owner occupied and
23 it will continue being owner occupied.

24 CHAIRPERSON GRULLON: They're not like
25 rental units?

1 MS. PEREIRAS: No.

2 MS. PEREZ: All the units are occupied?

3 MR. PEREIRAS: Well, the owners' unit is
4 under construction right now, so they started
5 renovating. So they're not currently living
6 there, they're desperate to go back there. They
7 want to be there very soon. Mrs. Rosenberg is in
8 the audience right now. But they're waiting for
9 this application so that they could finish and
10 move in.

11 CHAIRPERSON GRULLON: I mean do they own
12 cars?

13 MS. PEREZ: That's my question, how many
14 people live there and how does the parking work?

15 MR. PEREIRAS: They are from the Hasidic
16 community, from the local Hasidic community. So a
17 lot of them are working locally, going to local
18 temple, so they're -- I don't believe any of them
19 have a car. And she's shaking her head so, no,
20 none of them have a car.

21 CHAIRPERSON GRULLON: I don't have
22 anymore questions. Do you have any questions?
23 Any other witness?

24 MS. PEREIRAS: We do not.

25 CHAIRPERSON GRULLON: You conclude your

1 presentation?

2 At this time, I want to open to the
3 public. Open to the public, any members of the
4 public want to step forward on this application?
5 Mrs. Rosenberg.

6 MRS. ROSENBERG: I just want to say I
7 start this project --

8 MR. VALLEJO: Come forward, please.

9 CHAIRPERSON GRULLON: Please, come
10 forward.

11 MRS. ROSENBERG: I started this project
12 more than three years ago, before COVID.

13 CHAIRPERSON GRULLON: We need to get
14 your name on the record.

15 MRS. ROSENBERG: My name is Hya
16 Rosenberg. We started this project more than
17 three years ago with a contractor. I'm a family
18 of ten children, I live in a small apartment.
19 Everybody knows that Union City doesn't have big
20 families of ten children, it's hard to find an
21 apartment. We started constructions. We had
22 issues with a contractor, he left us. He didn't
23 do the permits properly, that's how we got stuck.
24 We paid over \$200,000 to have the permits done
25 again and we're waiting a long time, with amazing

1 lawyers and people, but we're thrown -- at this
2 point, we're being thrown out of our apartment,
3 we'll be on the streets. We have six months, our
4 six months are over in April. We still have to
5 construct it. I'm sure the Board does not want a
6 family living here.

7 CHAIRPERSON GRULLON: I believe that you
8 are doing the right thing by bringing this
9 property up to code, especially for safety codes,
10 you know, in case of fire and all that. And also
11 the legalization of the units. I mean thank you
12 for being part of the community. And since it's
13 owner occupied with a family, they've been living
14 there for a period of time. I see this more as an
15 upgrade to the safety and I make a motion to grant
16 this application.

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

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

23 Mr. Grullon.

24 CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 VICE CHAIRPERSON GUTIERREZ: Yes.

2 MR. VALLEJO: Mr. Ortiz.

3 MR. ORTIZ: Yes.

4 MR. VALLEJO: Ms. Pena.

5 MS. PENA: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Five in favor, motion

9 carries. Congratulations.

10 MS. PEREIRAS: Thank you all very much.

11 MRS. ROSENBERG: Thank you.

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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. Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect
8 that I've been provided by Ms. Pereiras with the
9 notice that was sent to the Hudson County Planning
10 Board. For the edification of the Board, if the
11 Board may recall, last time we were here, the
12 issue came up that since this property is on a
13 county road, the county planning board was
14 required to be on notice. And that was the one
15 missing link. Ms. Pereiras has now provided
16 notice to the county planning board and this Board
17 then now has jurisdiction to proceed and hear
18 this.

19 MS. PEREIRAS: Thank you very much,
20 Counsel. Since we are on Kennedy Boulevard, if
21 this Board were to deem this application
22 favorably, we would be -- we actually have a
23 tentative meeting with the county as well to get
24 approvals from them. But the application here is
25 for 4614 Kennedy Boulevard, also known as Lots 34

1 and 35 in Block 263. The application is to
2 demolish the building that is there now to
3 construct a new multifamily building consisting of
4 24 residential units and parking.

5 This application really came about due
6 to the Islamic education and community center
7 that's located about a block away. That community
8 found a need for additional housing and this was
9 the perfect location to provide some additional
10 housing for that community. We have several
11 witnesses to testify before the Board this
12 evening.

13 Are we okay to continue?

14 CHAIRPERSON GRULLON: Yes, please.

15 MS. PEREIRAS: We have several witnesses
16 to testify before the Board this evening. I'd
17 like to begin the presentation with our architect,
18 Mr. Manuel Pereiras.

19

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

21

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

24 Members of the Board, on the easel to my
25 right, we have the same documents that were

1 submitted to the Board. On the easel to my left,
2 we have a three dimensional rendering of the
3 property and the proposed project. And I have
4 preemptively marked the right rear corner as A-1
5 with today's date.

6 Referring now to the tax map on the top
7 left hand corner of sheet Z01. We could really
8 understand the relationship this property to the
9 existing mosque. The mosque is on the corner of
10 47th Street and Cottage, along 47th Street and
11 then our property is on the corner of 47th Street
12 and Kennedy Boulevard. There's less than 50 feet
13 of distance between our property that we're -- the
14 applicant's property and the mosque itself. And
15 also just as a matter of reference to also
16 understand, across 47th Street, the mosque owns
17 this lot right here, which is three lots where
18 they currently park. This project has basically
19 come about as a need for housing for members of
20 that community. And we tried to create a building
21 that would be suitable for them and efficient
22 units that the community will have the means to
23 pay for.

24 On our site, we're proposing -- and just
25 to clarify what the size of the site is, it's 50

1 foot by 121.72 feet in length. So we have a
2 significantly oversized house for the R1 district
3 that we're in, where 2,500 square foot lot area is
4 required.

5 In this lot, we're proposing to
6 construct a building that is two feet away from
7 47th Street, so that side yard setback is at two
8 feet which allows us to provide landscaping from
9 one end of the building to the other. We're
10 providing a five foot rear yard setback, which if
11 you're spacing from 47th Street acts as a side
12 yard to the dwelling next to it. And then on the
13 opposite end, on the south end, we have a three
14 foot setback from the dwelling, the property line
15 for dwelling number 4610. And then on Kennedy
16 Boulevard, it varies significantly because we
17 wanted to create some interest to the building, so
18 it steps in and out. At the worst case scenario,
19 it is 1 foot 9 inches from the property line. So
20 we have a front yard setback variance request,
21 based on the 1 foot, 9 inch that's setback in the
22 front.

23 There was a lot of discussion and care
24 taken to this project and how we're going to work
25 out the parking. We finally decided on creating

1 just a single curb cut because we didn't want to
2 eliminate any parking from the street that's
3 currently there. So if you look at the current
4 site plan, there's a garage in the back with a
5 curb cut along there. We're basically just taking
6 that curb cut and we're moving to down to the
7 center of the building, so no parking spaces will
8 be lost on the street, isolating to that one
9 parking space. And then we're creating the main
10 entrance from the building along Kennedy
11 Boulevard.

12 Turning now to sheet Z03, we could start
13 looking at the different floors. The ground
14 floor, as you can see, that reference that I made
15 for the entry for vehicles on 47th Street, we
16 pushed it well back into the building so there's
17 no dangers turning off Kennedy Boulevard and moved
18 it off the county road. And you enter to a drive
19 aisle and we made that a fully conforming drive
20 aisle of 24 feet. Very often you see me
21 presenting here in Union City and we have a
22 reduced drive aisle, we're working with 21 feet.
23 Here, we have a full 24 feet on this site and we
24 have parking on both sides. And we are
25 accommodating a total of 15 parking spaces on the

1 site. In addition to the 15 parking spaces and
2 just to clarify some of those are in tandem. So
3 for example, you can see parking space number one,
4 it's in tandem with parking space number nine.
5 Parking space number twelve is in tandem with
6 parking space eleven and so on. In addition to
7 those parking spaces, we have electrically charged
8 stations, which actually gives us a bonus of
9 parking for this project. So we have a total of
10 19 spots that we're providing in this parking
11 plan, if we consider that bonus.

12 The building is laid out in a very
13 simple clean way for safety. We have two centers
14 of vertical circulation, one in the front, based
15 off of the lobby, which we have a fire stair that
16 directly discharges to Kennedy Boulevard and the
17 elevator. And then we have a hallway across the
18 center of the building. And at the other end, you
19 have another stair that again discharges directly
20 to the outside. So this is important from a fire
21 safety, once you're in the stair, you're going
22 directly to the outside of the building.

23 If we go to the floors above, we see
24 floors two through four, that are typical layouts.
25 In total, we have 24 apartments in this building.

1 Of those 24 apartments, 11 of them are two
2 bedrooms, and 13 of them are one bedrooms. I'm
3 just going to walk you through them very briefly.
4 In all these, you have a very simple typical
5 modern design. You walk into a large living room
6 dining room kitchen space, same thing in all the
7 apartments. And then you have the bedrooms and
8 bathrooms. And they are common bathrooms for two
9 bedroom units.

10 So, for example, I'm just going to walk
11 through the dimension of the units and the number
12 of bedrooms. Apartment 206 to apartment 406 is
13 two bedrooms, 750 square feet. Apartment number 5
14 on each of the floors is 550 square feet, one
15 bedrooms. Apartment number 4, 750 square feet,
16 two bedrooms. Apartment number 3 is 550 square
17 feet, one bedrooms. Apartment number 2 is
18 750 square feet, two bedrooms. And apartment
19 number 1 is 550 square feet, one bedroom. So
20 overall, the one bedrooms at 550 square feet and
21 the two bedrooms at 750 square foot, typical. And
22 they all have large windows along the entire
23 perimeter, very nice, very simple, yet very modest
24 apartments.

25 The top floor is slightly different

1 because I wanted to make that corner of the
2 building feel a little bit lower, that makes a big
3 difference from the massing of the building. So
4 we cut that back and created a balcony for the
5 building. And that balcony makes that one unit
6 instead of a two bedroom a one bedroom and that's
7 the difference on the upper floor.

8 We are not proposing any roof deck,
9 other than the balcony.

10 And then the facade, I'm going to use
11 the rendering to describe it. We have a series of
12 materials from composite panels of metal and fiber
13 cement and some siding. There's a little bit of
14 brick along the base of the building in order for
15 the parking area. And as you can see, it's light,
16 it's airy, you have large windows, an attractive
17 building to really establish that corner in the
18 City.

19 And that concludes my testimony for now.
20 And I'll leave it open. We have a planner and we
21 have traffic to testify and they can go into a
22 little bit more detail. And I could wrap up it if
23 you like.

24 CHAIRPERSON GRULLON: We'll save the
25 questions for the end. You want to bring your

1 next witness.

2 MS. PEREIRAS: Absolutely. If I could
3 proceed with traffic testimony, Mr. Peregoy.

4

5 C R A I G P E R E G O Y, after having been
6 duly sworn or affirmed, did testify as follows:

7

8 MS. PEREIRAS: And Mr. Peregoy has
9 testified before this Board in the past.

10 CHAIRPERSON GRULLON: Yes, yes.

11 MS. PEREIRAS: Thank you so much.

12 MR. PEREGOY: Happy new year.

13 CHAIRPERSON GRULLON: Thank you.

14 MS. PEREIRAS: Mr. Peregoy, have you had
15 an opportunity to review the drawings prepared by
16 Pereiras Architects?

17 MR. PEREGOY: Yes.

18 MS. PEREIRAS: And are you familiar with
19 the site in question?

20 MR. PEREGOY: Yes.

21 MS. PEREIRAS: Would you kindly describe
22 this project from a traffic perspective?

23 MR. PEREGOY: Let me mentioned I
24 testified even before, I think this is the third
25 go around maybe on this site? So I think we

1 finally got a good spot for it.

2 You heard, you know, we did prepare a
3 traffic study for this as if it were just a
4 typical residential 24 unit building. You heard
5 from the prior testimony that the intent is to use
6 this as housing for the Islamic center, which is
7 right nearby. Presumably right now, some of those
8 people are driving to there, whereas now they'll
9 be able to walk right down the street. So this
10 may actually be a reduction in traffic,
11 considering there is a use on the site, there's an
12 office there and there's a residential unit there.
13 But nevertheless, we looked at it as if it was
14 vacant land, ground up, we're building 24 units,
15 and prepared our traffic study based on that.

16 Now, 24 units and the ITE I told you
17 about The Institute of Transportation Engineers
18 trip generation, that's how we project traffic.
19 They've, in the most recent edition, broken down
20 residential uses to with or within half a mile of
21 rail transit or not because we're seeing a very
22 big statistical difference in traffic for obvious
23 reasons. We're about 600 feet from the light rail
24 here, so certainly within that half mile.

25 So what the ITE would project, assuming

1 this was a full typical 24 market rate building,
2 would be six trips in the morning peak hour and
3 six in the evening peak hour going in and out of
4 this facility. If you think about Kennedy
5 Boulevard how busy that is, that's carrying about
6 1,700 vehicles per hour. Adding only six, you
7 wouldn't even know. It's an average of one car
8 every 10 minutes.

9 Even if this were your conventional
10 market rate, you know, typical multifamily
11 residential building, it certainly wouldn't have
12 an impact I think for the unique reasons that
13 we're looking at this --

14 CHAIRPERSON GRULLON: Sorry to
15 interrupt. Your calculations are based on
16 24 units?

17 MR. PEREGOY: 24 units.

18 CHAIRPERSON GRULLON: Full parking?

19 MR. PEREGOY: Yes, 24 units, full
20 parking, without consideration of the fact that
21 the Islamic center is there. And again like I
22 said, this is the third time we've looked at this
23 property.

24 CHAIRPERSON GRULLON: You said it would
25 be six cars per peak hours? Six cars?

1 THE WITNESS: It will generate six cars
2 in both peak hours. One in and five out in the
3 morning, four in, two out in the evening, to break
4 it down. But six trips, one car on average every
5 10 minutes. Reality, probably hardly any. Really
6 the vehicles are going to be in there stored for
7 them, you know, shopping trips on the weekends and
8 things like that. The commute is a 50 foot walk
9 up the street. Or if they weren't associated with
10 the Islamic center, likely would be a 600 foot
11 walk to the light rail. So you're not going to
12 have daily commuters in and out for the most part.
13 And you're going to eliminate -- whoever those
14 folks who are moving here are now driving most
15 likely to the Islamic center and parking on the
16 street or parking in that lot, you're going to
17 remove them because they're going to be right
18 here.

19 So all in all benefit, it is a symbiotic
20 relationship because they're so close. And that's
21 actually why we're, you know, fairly light on the
22 parking. Technically, if this were just a
23 typical, in a vacuum, looking at a 24 unit
24 building, with this unit mix, we would be required
25 to have 45 parking spaces, based on the RSIS

1 requirement. We have 15, plus that credit of four
2 that Manny mention for the electric vehicles so
3 technically 19 parking spaces. So we're about
4 half that.

5 It's pretty interesting, when I first
6 took a look at this, I didn't know that the
7 Islamic center relationship and I said, boy, that
8 seems pretty light on parking. But I did look in
9 this particular census tract in the City, the
10 vehicle ownership is .49 per unit, which would be
11 12. So I think the proximity to the light rail
12 probably goes into that a little bit. But
13 obviously the reason here is we're not going to
14 put underground parking, it's going to be a waste.
15 They probably won't even use all 15 spaces that
16 are in here. I certainly -- if I lived 50 feet
17 from my office or my place of business, I don't
18 know that I would necessarily have a car. But
19 again, we're providing the luxury for those who
20 have want to have a vehicle for the weekends and
21 things like that.

22 But, you know, I think this is, like I
23 said, the third go around. This the best use I've
24 seen for this property, it makes a lot of sense.
25 Right there on Kennedy Boulevard, which is busy,

1 we certainly don't want to introduce 24 units and
2 46 parking spaces and have that much traffic. You
3 got a situation where you can take an existing
4 office and residential, get rid of it, put
5 something that's really going to be a benefit
6 directly to that neighborhood. So I think from a
7 traffic perspective and parking perspective, it
8 does make sense. I'll stop talking now because I
9 don't want to bore you.

10 CHAIRPERSON GRULLON: Thank you, thank
11 you. We'll leave the questions to the end. You
12 have another witness?

13 MS. PEREIRAS: We do have another
14 witness, we have our planner, Mr. Michael Kauker.

15
16 M I C H A E L F. K A U K E R, after having
17 been duly sworn or affirmed, did testify as
18 follows:

19
20 MR. KAUKER: For the record, Michael F.
21 Kauker, 356 Franklin Avenue in Wyckoff, New
22 Jersey.

23 CHAIRPERSON GRULLON: Mr. Kauker has
24 been in front of us on many occasions. Welcome
25 back.

1 MR. KAUKER: Happy new year to everyone.

2 VICE CHAIRPERSON GUTIERREZ: Happy new
3 year, welcome back.

4 CHAIRPERSON GRULLON: We accept your
5 qualifications.

6 MS. PEREIRAS: Thank you.

7 Mr. Kauker, are you familiar with the
8 property at 4614 Kennedy Boulevard?

9 MR. KAUKER: Yes, ma'am. As I recall,
10 this might be my second go around. I remember the
11 first application for a school.

12 MS. PEREIRAS: Many years ago.

13 MR. KAUKER: Yes.

14 MS. PEREIRAS: And, Mr. Kauker, have you
15 had an opportunity to review the drawings prepared
16 by Pereiras Architects Ubiquitous?

17 MR. KAUKER: I have, several times.

18 MS. PEREIRAS: And can you kindly
19 describe this project from a planning perspective?

20 MR. KAUKER: From a planning
21 perspective, this project is located right at the
22 edge of the low density residential zone with the
23 main frontage of the property, Kennedy Boulevard,
24 representing the boundary lines between North
25 Bergen and this extreme edge of Union City. To

1 the south of the property and to the southeast is
2 certainly located the bulk of a low density
3 residential zone. The property is influenced by a
4 mixed use commercial and residential activity
5 located along Kennedy Boulevard in a similar
6 pattern of mixed use residential and religious
7 uses along 47th Street.

8 We're asking for two major variances
9 from your ordinance. First is a (d)(1),
10 recognizing that we're proposing a multifamily
11 building. And the second is a (d)(6) height
12 variance wherein three stories are permitted in
13 the residential zone, we propose five stories.

14 The building itself is very interesting,
15 very old residential building that over the years
16 has evolved into use for commercial and office
17 uses, which certainly are not permitted in the
18 residential zone. It's my respectful view and
19 opinion before this Board that a multiple family
20 use in this particular location, which in fact, I
21 believe is particularly suited to accommodate this
22 use by virtue of the fact that within a radius of
23 300 feet of the subject property, namely one
24 building removed as you go westerly along Kennedy
25 Boulevard, one building removed, are two

1 four-story multiple family residential dwellings.
2 There's a five-story structure immediately across
3 the street from the subject property. The subject
4 property has two frontages, which essentially
5 provides a light, air and open space that you
6 would not normally have if it were mid block.

7 The particular case in support of the
8 (d) (6) height variance is supported by the
9 surrounding land use influences of at least eight
10 properties, located both in North Bergen, across
11 Kennedy Boulevard, and long 47th Street that are
12 four to six stories in height. The case that
13 relates to that is the Grasso case, which provides
14 that we can submit this as a special reason in
15 support of the height variance by virtue of the
16 fact that it is compatible with surrounding
17 similar height multiple family uses.

18 The (d) (6) variance is supported by a
19 case that this Board might be familiar with, it
20 was tried and a decision by the Supreme Court of
21 the State of New Jersey in 2013, it's called Price
22 versus Hameji case and that related to a multiple
23 family development application in the southerly
24 end of Union City, I think along Manhattan Ave.,
25 overlooking Hoboken. And in that particular case,

1 the Supreme Court cited nine special reasons in
2 support of their decision, which obviously started
3 out at this Board probably three to four years
4 before that, was approved by this Board, was
5 appealed, was denied by the Superior Court, was
6 then moved to the appellate division, who made a
7 decision in support of the Board's approval. And
8 subsequent to that, it was further appealed to the
9 Supreme Court, Larry Price was the gentleman who
10 essentially championed the alter view from the
11 Board's approval relative to this application.

12 There are many of the particular special
13 reason support aspects of the Himeji case that are
14 applicable to this particular application and I'll
15 cite them. Firstly, the site is located at the
16 edge of the zone, it's located in an -- adjacent
17 to and across the street from additional multiple
18 family uses, that is a special reason that is also
19 cited in Cox. It is located on a major collector
20 artery, which is capable of handling a building of
21 this bulk and size. It borders an adjacent
22 community, North Bergen, wherein the zone pattern
23 is a mirror match of the use that we're proposing
24 for this particular application, notwithstanding
25 the fact it's in an adjacent community, the

1 principles set forth in the Himeji case didn't
2 differentiate between one community and the other,
3 they solely focused on land use patterns and land
4 use rights. And in that context, if a proposed
5 multiple family use is adjacent to and across the
6 street from a similar zone, the Court determined
7 that that could be utilized as a special reason in
8 support of the application.

9 The use is a good transition use, it
10 fits within the neighborhood and it certainly
11 relates to a changed condition within a
12 neighborhood. There are a certain amount of new
13 construction in the neighborhood, which tends to
14 be compatible and consistent with the proposed
15 use. The site's at a higher elevation, it
16 overlooks the surrounding land use environment.
17 And that essentially covers those particular
18 special reasons.

19 The application itself meets several
20 purposes of the Municipal Land Use Law, which was
21 cited in the Burbridge case. And it is also
22 reasonably consistent with several of the
23 objectives set forth in the April 2021 master
24 plan, provide -- Item 5, provide housing options
25 for a variety of income levels, including low and

1 moderate income households. Item 7, and this is on
2 page 8 of the master plan, provide for upper floor
3 residential along the City's commercial corridors,
4 continue to upgrade streetscapes with additional
5 lighting and street trees planted in a variety of
6 local species, preserve the established
7 residential character of the neighborhood from a
8 point of view that this is an appropriate
9 productive positive transition use, it serves as a
10 buffer between intensive commercial uses and the
11 low density residential zone to the south and
12 southeast. That essentially concludes my
13 observations and reasons in support of the
14 principal variances.

15 The several bulk variances that emanate
16 out of the requirement of the residential low
17 density zone are essentially covered under the
18 Polio case, whereby a substantially different use
19 proposed within a given zone that requires certain
20 bulk and setback variances that essentially do not
21 fit to that different use can be supported by the
22 Board, as long as the negative criteria are
23 satisfied. And there is no documentable negative
24 impact on surrounding properties. And I find that
25 that's the case in this particular instance. That

1 concludes my observations and my testimony and I
2 hope I haven't been too long because I know the
3 first meeting of the year, you don't want to stay
4 here.

5 CHAIRPERSON GRULLON: Thank you, Mr.
6 Kauker. I want to start questions with you first.
7 This proposed application is the low residential
8 zone. The low residential zone where two-families
9 are permitted in a 2,500 lot. You agree what's
10 permitted in that particular lot is only a
11 four-family?

12 MR. KAUKER: Yes.

13 CHAIRPERSON GRULLON: We are asking for
14 an increase of 20 units, you agree with that?

15 MR. KAUKER: That is correct.

16 CHAIRPERSON GRULLON: Front yard, you
17 know, the front yard, the minimum front yard
18 required for that area is 10 feet, you're only
19 providing 1.9?

20 MR. KAUKER: That's correct.

21 CHAIRPERSON GRULLON: That's a deficit
22 of 8.1?

23 MR. KAUKER: Yes.

24 CHAIRPERSON GRULLON: The rear yard
25 again, the rear yard, 20 feet is required, we are

1 only providing 5 feet, so a deficiency of 15 feet
2 there. And the maximum height, I mean the stories
3 is three stories and you're proposing five
4 stories?

5 MR. KAUKER: That is correct.

6 CHAIRPERSON GRULLON: That's two
7 additional, which is a substantial --

8 MR. KAUKER: Yes, sir.

9 CHAIRPERSON GRULLON: -- request, you
10 know. The building height with 38 feet is
11 permitted, you are requesting for like 59 feet,
12 that's almost 17 feet deficient on height from
13 what's permitted in that area. Building coverage,
14 again, is 60 percent, proposing 80 percent is
15 24 percent. That's way more than that what could
16 be an exception.

17 MR. KAUKER: Yes, sir.

18 CHAIRPERSON GRULLON: Lot coverage
19 again, 75 percent is permitted, you're proposing
20 96 percent, almost the entire lot covered and
21 that's 21 percent higher than what's permitted?

22 MR. KAUKER: Yes, sir.

23 CHAIRPERSON GRULLON: And parking
24 required, which is something, you know, very
25 critical here in Union City.

1 MR. KAUKER: Yes.

2 CHAIRPERSON GRULLON: 46 are required
3 and, you know, counting the tandem parking, only
4 19 are provided, that's a deficiency of 27 parking
5 spaces. Those are my observations of this
6 application. And the other thing is that on that
7 47th Street neighborhood, I don't see any
8 multifamily, you know, that are like newly
9 constructed there in that area.

10 MR. KAUKER: There are a number of
11 multiple family, four and five-story uses along
12 47th Street, as you proceed to the south from the
13 corner location. I'm not as concerned about the
14 impact on the low density residential zone because
15 we're at the edge of the zone, as compared to
16 another scenario where if we were right in the
17 middle of that low density zone, we would have a
18 great deal of nerve to come before the Board and
19 ask to plant this kind of a building in that zone.
20 And the only thing that makes me reasonably
21 comfortable from a zoning point of view with a
22 potential impact on the master plan is the fact
23 that the neighborhood has evidence of other
24 similar height residential dwellings.

25 The setback variances admittedly are

1 minimal -- are maxed ut and they're large setback
2 variances, but they're mitigated by the fact that
3 as long as we have a proper streetscape with
4 enough space to provide added landscaping, I
5 believe that that mitigates against those
6 variances -- mitigates for those variances
7 recognizing the fact that we are on a reasonably
8 small site. And to essentially accommodate the
9 building massing that is needed to support the
10 units, as well as the parking, we -- te design
11 essentially needs to have that additional space
12 along the streetscape, the three streetscapes to
13 essentially produce the aesthetically pleasing
14 building that Manny has designed and submitted to
15 you.

16 CHAIRPERSON GRULLON: Thank you, Mr.
17 Kauker, for the clarification. Do you have any
18 other witnesses?

19 MS. PEREIRAS: No, those are our three
20 witnesses.

21 MR. PEREIRAS: As a matter of
22 housekeeping, can I address some of the dimensions
23 and the variances that we're requesting? I think
24 there were a few discrepancies. First and
25 foremost, when we're talking about front yard, the

1 new -- the old ordinance was 10 feet, the new
2 ordinance is at 7 feet, whereas -- and just to
3 describe, our building does fluctuate back and
4 forth. We could definitely accommodate this Board
5 and go to the 7 foot front yard setback that the
6 ordinance requires. It's not the 10 feet that
7 previously was. And if this Board wants us to
8 comply with that front yard setback, we definitely
9 could.

10 When it comes to rear yard, it is a rear
11 yard from a technical standpoint. On the drawing,
12 if you really look at this and if you turn and you
13 look at this from 47th Street, you have houses in
14 a row, these house have two foot and three foot
15 side yard requirements. From the ordinance
16 standpoint, when you get to our building, we're
17 actually providing five feet. So unlike this row,
18 where the requirements are just two and three, and
19 they're actually less, we're providing five, which
20 is even greater than the typical side yard. And I
21 would like you to consider that yard, even though
22 technically it is our rear yard because we're
23 showing the front as Kennedy Boulevard, it's
24 really a side yard. And from a side yard
25 standpoint, we're actually providing even more.

1 So we're providing five feet.

2 CHAIRPERSON GRULLON: Mr. Pereira,
3 you're referring to houses that have been there
4 for, you know, many years.

5 MR. PEREIRAS: Let's say we tear down
6 those houses and we build brand new houses, the
7 side yard setbacks are two feet and three feet in
8 the brand new houses. We're providing five foot
9 setback, even if it was brand new. And yet we're
10 dealing with houses that have less side yard and
11 we're still providing that five feet setback. So
12 we're increasing. And if you compare this to the
13 structure that was previously there --

14 CHAIRPERSON GRULLON: From your point of
15 view, you're considering that a side yard, not a
16 rear yard?

17 MR. PEREIRAS: That's exactly what I'm
18 saying, if it was from a concept of a side yard.
19 And if we compare this to the existing structure,
20 which was a garage there, that garage was on the
21 property line. So let's say this Board were to
22 deny this application, that existing garage exists
23 and it's on zero setback. So we're improving that
24 situation significantly by giving it a five foot
25 setback there.

1 And then there's the concept of, you
2 know, two-family houses is what's permitted here,
3 two two-family houses in reality. If we were to
4 build two two-family houses here, it would be a
5 huge mistake. They don't fit on Kennedy
6 Boulevard, Kennedy Boulevard is not the right
7 place to put two-family houses. It's going to be
8 dangerous from a traffic standpoints, the
9 driveways cutting out of Kennedy Boulevard. And
10 the scale is rough because if you look to the
11 property next to us, it's a smaller scale
12 building, okay, it's a large two-family house.
13 But then if you look at every other property along
14 the block, you have large scale buildings, which
15 make a lot of sense on Kennedy Boulevard. If we
16 get to this corner and we build two two-family
17 houses, not only is it going to look out of place,
18 I think it's actually a dangerous situation on
19 that corner of 47th and Kennedy, right next to a
20 corner having driveways coming out.

21 CHAIRPERSON GRULLON: I don't agree with
22 that because you will have the garage in the back
23 of the building --

24 MR. PEREIRAS: Only the corner one. The
25 one in will have to be through the front, through

1 Kennedy Boulevard. You can only have the garage
2 for one of them on the side. And we would require
3 variances for that because we couldn't have the
4 garage on the back, we would need to provide a
5 rear yard. So, yeah, it can be done and that
6 corner one could be a little bit successful, but
7 the scale will still be not in tune with the
8 neighborhood. And then the second one would be a
9 little bit of a dangerous situation with the
10 driveway.

11 And I'm just -- I'm sharing the
12 alternate of what we would do if we met the
13 ordinance. And what I'm saying by this and my
14 argument on this is that sometimes our ordinance
15 doesn't match correctly what a property should be
16 and what the best planning alternative is. And I
17 think this is one of those cases. And I'm not
18 saying that this 24 building is the only thing
19 could happen there, maybe there's room to modify,
20 maybe there's room to change so that we can come
21 more in line with what the Board wants. But to
22 simply dismiss it and say that we need two
23 two-families, that's the wrong thing for this
24 neighborhood, for this location. And maybe we
25 could open a dialogue and understand what the

1 Board is seeking and what we could tweak in order
2 to make this a successful application.

3 CHAIRPERSON GRULLON: Let me just hear
4 from the -- any other Board Members has any
5 question? I want to open to the public at this
6 time. Any member of the public want to step
7 forward on this application?

8 MS. SANCHEZ: My name is Stephanie
9 Sanchez, I live in the house next door at 4610
10 Kennedy Boulevard. So we had like several
11 concerns about the building, our house is right
12 next to it and it's like elevated. So if they
13 like dig to make this building, we're concerned
14 about like the foundation of our house, whether
15 like the integrity will be -- because they'll have
16 to dig into the foundation next door, which like
17 is also connected to the foundation of our house.
18 So if you dig, how do we know it's not going to
19 you know mess with the integrity of our house?

20 MR. PEREIRAS: Hopefully, I can answer
21 that question a little bit, make you a little feel
22 more comfortable with that. So once we get
23 approved from this Board, if we were to get
24 approved from this Board, we go through a process
25 of producing construction documents. That is a

1 team of architects and engineers to design that
2 structure. Once we submit that, we design that
3 structure, we're submitting those drawings for
4 review by the Union City building department.
5 Included in that package is actually a set of
6 drawings specifically for protection of your
7 house. And that could be done in a whole number
8 of different ways. But we submit that and it is
9 under your review as well, as well as the building
10 department in order to make sure that your house
11 is safe and that would be monitored as well.

12 MS. SANCHEZ: Okay. And then another
13 major concern that we have is the privacy to our
14 house. We're a three-family house we have a
15 backyard. The building that is right there is
16 also -- I don't know if two three-families also
17 has a backyard. Actually we had friends that used
18 to live there. The house in front of us, like
19 behind, is also a small like three-family house,
20 also with a backyard. The building to the other
21 side is a lower apartment building, but it stops
22 before like getting to our backyard. So with like
23 a building that goes all the way, almost to like
24 the other house behind, we'll have windows looking
25 right into our house and right into our backyard,

1 and we won't have any privacy. So like it's
2 something that's really concerning for us.

3 CHAIRPERSON GRULLON: Sure.

4 MS. SANCHEZ: Of course. And then,
5 yeah -- and then the parking situation is also a
6 concern. Because as it is right now, there's like
7 often people parking right up to the bus stop
8 that's right in front of our house, like in front
9 of the other building, but also there's always
10 people parking in front of our driveway. And,
11 yeah, like, often we are trying to leave and we
12 can't because there's like not enough parking
13 spaces, people park in our driveway. And then we
14 have to go look and see where -- who's the owner
15 of the car. Yeah, and like the other thing is
16 that street, 47th Street is very narrow and it
17 always get congested, especially like when school
18 let's out and stuff. So we're concerned about
19 like the congestion around that area and the
20 parking spaces.

21 CHAIRPERSON GRULLON: Thank you so much.
22 Thank you for your concerns.

23 MS. SANCHEZ: I'm sorry, my parents
24 actually had another concern about like the
25 parking lot in the first floor. If it's going to

1 be like an indoor parking lot, we're concerned
2 about the like the pollution that could come out
3 from like -- since it will be right next to our
4 house, like the pollution that might come.

5 MR. PEREIRAS: It's enclosed parking lot
6 all along your side of the property, we're not
7 allowed to exhaust that close to the property
8 line, so we're exhausting towards the street. So
9 there's no pollution going towards your direction,
10 it's completely sealed off.

11 MS. SANCHEZ: Let me check my notes to
12 make sure I didn't miss any questions. I think
13 that's it, the privacy and the parking and
14 congestion around our house are some of our
15 concerns.

16 CHAIRPERSON GRULLON: Thank you very
17 much.

18 VICE CHAIRPERSON GUTIERREZ: Thank you.

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

22 MR. SANCHEZ: Yes, sorry. My name is
23 Pedro Sanchez, I'm her father. There's one thing
24 other concern about the pollution. He said that
25 the source is going to be the other way, but the

1 pollution is not going the way that the car is
2 located, the pollution comes and go around, you
3 know, all the way --

4 CHAIRPERSON GRULLON: Like a cloud.

5 MR. SANCHEZ: Our concern is that, that
6 all the pollution is coming that way or that way,
7 but many times probably is going that way because
8 to enter the parking space, you're going to be
9 over there, so the wind probably is blowing this
10 way, you know, against my house. So the problem
11 is the pollution is going to be that way or
12 whatever, all the way. The pollution isn't only
13 going one way, it's going all way.

14 MR. PEREIRAS: Sir, if you may come
15 here, I want to show you something on the drawing.
16 Step this way for one second. This is your house,
17 this is the parking garage. People come in
18 through here, it's open here. This is a solid
19 wall all the way around, solid wall. There's no
20 pollution from cars going through there. And if
21 you're concerned with pollution of cars from the
22 street, I mean you have Kennedy Boulevard right
23 here, full of pollution. But there's nothing
24 going from this property to your property,
25 completely impossible.

1 MR. SANCHEZ: I'm sorry about that, but
2 I think the pollution goes anywhere.

3 MR. PEREIRAS: Of course.

4 MR. SANCHEZ: You know, anywhere. Even
5 if you put a wall over here, the pollution is over
6 here, going to go around through the top or
7 anywhere. I'm sorry. That's all.

8 MR. PANEQUE: Thank you, sir.

9 CHAIRPERSON GRULLON: Thank you.

10 VICE CHAIRPERSON GUTIERREZ: Thank you.

11 CHAIRPERSON GRULLON: Any other members
12 of the public want to step forward? Hearing none,
13 after going through all the professionals, hearing
14 all the testimony, I came up with the conclusion
15 that this is a low residential zone. The
16 variances that you're requesting are substantially
17 high for the application. And hearing the
18 concerns of the neighbors, which is more like a
19 family oriented neighborhood --

20 MR. PEREIRAS: Mr. Chairman, maybe we
21 have to reduce the size of this application.

22 CHAIRPERSON GRULLON: Yeah, but I would
23 like to you come back with a new application. I
24 don't want to give you a recommendation because it
25 may not be what you want. I say four units,

1 that's not going to fit with your client. I know
2 we are -- we love the Islamic community, we love
3 them to find a space where they can build
4 something that they can come make Union City their
5 home as well. But for this location and this
6 application for 24 units, I make the motion to
7 deny the application.

8 MR. VALLEJO: Motion on the table to
9 deny the application by Mr. Grullon.

10 VICE CHAIRPERSON GUTIERREZ: Seconded.

11 MR. VALLEJO: Seconded by Ms. Gutierrez.

12 Roll call on the motion to deny this application.

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. The application has been denied.

25 * * * *

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

3
4 MR. PANEQUE: Mr. Vallejo, we're going
5 to take a five minute break.

6 MR. VALLEJO: Five minute break.

7
8 (Whereupon a short recess was taken.)

9
10 MR. VALLEJO: Back on the record. Next
11 application on tonight's agenda, 731-733 30th
12 Street, Jorge and Zaida Turbay. Ms. Pereiras,
13 please.

14 MS. PEREIRAS: Thank you very much.
15 Again, Bianca Pereiras on behalf of the applicant,
16 Jorge and Zaida Turbay, for property located at
17 731-733 30th Street, also known as Lots 35 and 36
18 in Block 162. I provided my jurisdictional
19 submissions at the last meeting, at which time the
20 Board took jurisdiction.

21 The application here is to convert a
22 commercial -- a garage into a commercial space.
23 This commercial space will be for the operation of
24 a water bottling business, operated by the
25 property owners. So Mr. and Mrs. Turbay's son

1 lives on the property and will also operate this
2 business. We have two experts to testify before
3 the Board this evening. And I'll begin with our
4 architect, Mr. Manuel Pereiras.

5

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

7

8 MR. PEREIRAS: Manny Pereiras, I
9 recognize I am still under oath. And the drawings
10 to my right are the same drawings that were
11 submitted to the Board.

12 When the applicant came to me and
13 mentioned this project, I said that's crazy, it's
14 not going to work. Then when I got to the
15 details, I realize it makes perfect sense and this
16 is actually a very good project.

17 The best way to explain it is if you
18 look at the site plan, the existing survey, this
19 is the existing house and this is the garage that
20 we're speaking about in the back, okay. It was
21 originally, when they built the house, a garage
22 for two cars, very, very tight cars. I'm not sure
23 how they fit in there, but that's what it was.
24 However, through the many years, you could see, if
25 you look at the picture of the facade, not only is

1 there a roll up gate with a storefront of a store
2 with a sign that has been there forever, as far as
3 I could remember, but there's even a street pole
4 right in front of what allegedly is a garage, too.
5 So obviously no cars were ever going into that
6 space.

7 So we're basically in front of this
8 Board to legalize this existing space as a
9 commercial unit and to just beautify it, make it
10 look a lot better, and make it comply with all
11 code requirements, give it its own separate meter,
12 you know, gas, water, electric meters and make it
13 into a small commercial business, that is going to
14 be owner operated from the owner of the property.
15 It is their son. And this is basically what it
16 is. We're creating a new bathroom so that the
17 commercial space, the existing commercial space
18 has a bathroom. And what they're going to be
19 doing here is bottling water and then distributing
20 it to Union City homes. So there's very little
21 tenants coming into the property. It's basically
22 going to be a facility where they bottle the
23 water, cap it and then deliver it to Union City
24 homes.

25 We're fixing up the facade

1 significantly. We're fixing the brick another
2 base, we're doing a simple cornice made out of
3 stucco. We're providing two new glass storefronts
4 and a glass storefront door coming into the
5 building, very simple, very neat, very clean, and
6 part of an existing condition that has been there
7 for many years. I can go into more details, but
8 I'll leave it at that and we have a planner
9 testifying as well.

10 CHAIRPERSON GRULLON: Bring your
11 planner.

12 MS. PEREIRAS: Absolutely. Mr.
13 Dougherty.

14
15 A L E X A N D E R D O U G H E R T Y, previously
16 sworn:

17
18 MR. DOUGHERTY: Again, I do recognize I
19 am still under oath. I do have an exhibit
20 prepared, similar to the last one. I'll pass it
21 around. I think in this particular application,
22 the photos really do tell the story here. It
23 consists of nine pages, again taken by myself. It
24 was the 7th of January, Saturday.

25 So to kind of just try to go through

1 this, I'll go a little slower, try to make it
2 brief. Page one, little red arrow indicating
3 where the property is located here. Again it's in
4 the R low density residential zone. Slide two,
5 outlined in red is the property in question.
6 Again, site consists of two tax lots, in Block
7 161, Lots 35 and 36. If you look closely on that,
8 you can kind of see there's a small little line
9 going through there indicating two separate lots.

10 And these next couple of slides, if you
11 will, I really just want to get your eyes on
12 there. This is the property in question here at
13 731-733 30th Street. What's important to note is
14 where this house is orientated, it's on a corner
15 property. It orientates itself on 30th Street.
16 And as we kind of start flipping through here on
17 page four, the garage itself is on Summit. And
18 what's interesting about it is, as Manny put out
19 there, we have a pole in the way of what was the
20 storefront there. And if you kind of look at the
21 way it is there, it's virtually impossible to use
22 this as a two car garage, and, you know, as we put
23 out there.

24 We have the storefront here, the
25 awnings, the signs. So from a public realm, this

1 has kind of been this way for awhile. But what's
2 unique about this application is when you review
3 the architectural here, we have a really nice
4 opportunity to kind of marry this detached garage
5 with the neighboring land uses on Summit, which
6 have the retail and commercial here. Again, I
7 don't believe the way this garage is situated it
8 really takes away from the residential fabric.

9 Page five is just kind of a top down
10 view. What's important to note is in front of the
11 garage it says no parking, but yet vehicles park
12 there any ways. Again, really indicating this is
13 not being used as a garage. Page six, we kind of
14 take some different drone shots of the property
15 and the neighborhood fabric, if you will.

16 Again, the building -- the residential
17 component itself is orientated on 30th, the garage
18 is on Summit. And when we look at Summit, we do
19 have some retail along Summit, bearing up right
20 next to the garage, very compatible scale of
21 massing. I think it blends in perfectly with the
22 facade upgrades that are being proposed here, it's
23 enhanced that streetscape.

24 What's also important to note on Summit,
25 I believe one of the photos show on page seven, is

1 at the back end of Summit here, on page seven, we
2 do have a loading zone. So as we kind of
3 indicated, this is for distilling and water. So a
4 lot of the operations are shipping out, very
5 little foot traffic. You know, it's not a
6 destination location that's going to drive an
7 abundance of foot traffic here or vehicle traffic.

8 So we have a loading zone at the end of
9 the street. And on Summit, if you look on slide
10 seven again, we have that retail commercial space
11 right there with the garage abutting right next to
12 it. And we have a great opportunity to continue
13 that streetscape from the public realm and to
14 enhance Summit without taking away from the
15 residential character of 30th.

16 The next couple slides here just block
17 itself. Again, really residential, again just
18 kind of, you know, orientating the houses onto
19 30th and 29th. Summit is a different animal, it's
20 got some retail there. I think, again, this
21 really accentuates the corner.

22 And, again, the last slide here is more
23 of a mock up, if you will, of what's kind of
24 around the area. With that, I'll kind of conclude
25 on the exhibits. But I just want to, again, just

1 look at slide seven, see where the garage is and
2 where that retail is.

3 So we're here to modify an existing
4 garage, a retrofit. That space is approximately
5 334 square feet. The work is all interior work
6 with a facade upgrade. Again, as we've heard, the
7 resident who lives at the property would also work
8 there, which is great from an employee standpoint,
9 you know, and hours of operation. You know, this
10 is kind of, you know, right in their own backyard,
11 a live-work kind of attitude.

12 When we look at the zone, we are in the
13 R low density residential zone, where this is not
14 necessarily, you know, a permitted use as far as
15 commercial establishments. We do have some (c)
16 relief. For this application we're looking at a
17 (d) (1) use variance for site suitability. Again,
18 I think page seven really hones that in there.
19 The site is particularly suited for the use by
20 virtue of the condition context condition wise.
21 We have a history of this as a commercial
22 building, condition of the fabric, if you will, of
23 the curbing and the makeup here, it's virtually
24 impossible the way it's built there today that
25 this is going to be a functioning two car garage

1 with the pole and the curb cut the way it is.

2 Conceptually, just the overall context,
3 Summit here and 30th is within the residential
4 zone. We have retail right next door. The
5 building massing is virtually comparable here,
6 we're not taking away from the residential
7 character of the interior lot. And this is
8 orientated on Summit, the residential properties
9 are on 30th and facing 29th. So I think we have
10 something that marries up really nicely.

11 Part two of the (d) (1) is special
12 reasons. The project will promote positive
13 aesthetics with upgrades to the front facade.
14 This is an efficient use of land, adaptive reuse
15 of an existing building. All the above promote
16 the purposes of Municipal Land Use Law, purposes
17 A, G, I, and M. Purpose I is promote a desirable
18 visual environment. We have public impact. I
19 believe relief can be granted without substantial
20 detriment to the public good or the zone plan.

21 From site impacts, I got to say none on
22 this one. The use is really small in relation to
23 the overall site, it's merely a retrofit. The use
24 fits, again, nicely with the established
25 commercial on Summit. The improvements to the

1 structure will enhance and anchor and accentuate
2 the corner to marry up nicely with the retail
3 there. I think it's well placed with minimal or
4 any adverse effects to the residential dwellings
5 in the residential interior lots along 30th.
6 Again, it's orientated on Summit.

7 The building has been designed, it will
8 to meet all applicable building codes. If you
9 look at the zone plan, if you will, I don't think
10 this will cause substantial zone impairment here.
11 The relief relates to a specific piece of property
12 with distinct attributes and characteristics, not
13 the whole zone. I think this lot has some very
14 unique features the way the garage is orientated,
15 the way the curbing is, the pole, the commercial
16 on pole, and the house being orientated on 30th.

17 Again, I like the fact that the owner on
18 30th would also operate this and the business is
19 mainly distribution, not so much coming to this
20 location for pickup.

21 With that being said, I don't think the
22 structure -- if you look at it is being altered in
23 such a way that down the line, if we ever wanted
24 to bring this back to a two car garage, I don't
25 think this alteration is really taking away from

1 that as well. So I really don't think we're
2 taking away from the integrity of the zone, as far
3 as, you know, being residential.

4 With that being said, again, the
5 structure is only 334 square feet, which is --
6 what I'd like to point out here is this property
7 exceeds the lot area, so even though we're asking
8 for commercial, we do have a little bit larger of
9 a lot than what the zone requires.

10 With that, part four of this Medici test
11 is kind of reconciling with the master plan. So I
12 looked at the re-examination report, I believe a
13 project like this preserves the character of the
14 community, encourages economic development, and
15 protects and preserves the established residential
16 character, which is goal one. I believe when we
17 look at the 2019 goals and objective that carry
18 forward a lot of that as well, part three,
19 encouraging infill development and compact design
20 that efficiently utilizes the City's land. I
21 think we have great efficiency here with that
22 garage being used as a commercial space. Again,
23 with the upgrades to the facade, I think it
24 marries up nicely.

25 When I look at some of that (c) relief

1 we have, we do have some preexisting nonconforming
2 conditions. Nonetheless, we look at the lot
3 depth, we're at 81.23 versus 100. Even though
4 we're deficient on lot depth, we make up for it in
5 the overall lot area. Minimum front yard setback
6 of seven or prevailing, we're at zero. And we
7 have a minimum rear yard of 20. And given the way
8 that garage is nestled pretty much right against
9 the rear neighboring property on Summit, we're at
10 .15. So again when we look at .15, you know, this
11 pretty much goes right to the streetscape of
12 massing on Summit there. It really would help
13 kind of tie that in and accentuate that corner.

14 For parking, this property needs one --
15 sorry, needs four versus the one that is being
16 provided. When we really look at this, even
17 though it's already manifested in the public
18 realm, essentially we would be eliminating a no
19 parking area in front of that garage. So again as
20 you see, they're already parking in front of the
21 garage because the public knows it's not garage.

22 So with that being said, I think it's
23 more of a kind of a balancing of a preexisting
24 condition here, even though it's a two car garage,
25 it's never really manifested to a two car garage,

1 at least in recent years.

2 With that being said, I don't believe
3 that that detriment to the public is substantial.
4 We do have some bus route lines right there next
5 to the property on the corner right across the
6 street, which is also a mixed use, we have CPA
7 offices there. But we do have -- I believe we
8 have the bus routes, I wrote them down here. We
9 have, I think it's 22, 18 and 159 right there on
10 the corner of 30th. So we do have substantial
11 access to transit and mobility. Again, we have
12 some retail there at your feet. And this property
13 again takes away that no on-street parking and
14 adds another parking spot to the street.

15 With that, the loading zone not being on
16 the street, this is a distribution establishment
17 and I think that the detriment will be minimal if
18 any allowing this to be a commercial space. I
19 think it would be an improvement to the corner.
20 With that being said, other (c) relief here --
21 nope, that's it.

22 I'd like to point out even though we
23 fall short of the lot depth requirement by
24 ordinance, we exceed the lot area. We need 2,500
25 square feet, we have 3,187. So it is a pretty

1 large lot, again, on the corner. I think the
2 garage conversion is a very boutique commercial
3 space, can operate without any negative impacts,
4 both to the site and surrounding residential
5 neighborhood.

6 With that said, I believe all the
7 criteria for relief has been met and approval
8 would be warranted.

9 CHAIRPERSON GRULLON: Thank you, Mr.
10 Dougherty. Like you say, you mentioned the
11 pictures explain it by themselves. But I have
12 some concerns with this application.

13 Can you kind of go over -- especially
14 the parking variance. This application is
15 proposing to have two principals?

16 MR. DOUGHERTY: Right.

17 CHAIRPERSON GRULLON: You know, one
18 residential, one commercial. And what is
19 proposing to do is to remove the only opportunity
20 to provide parking.

21 MR. DOUGHERTY: Right.

22 CHAIRPERSON GRULLON: In an area where
23 we have a tremendous demand for parking, it's very
24 difficult parking in that area.

25 MS. PEREZ: The school.

1 MR. DOUGHERTY: There's a school.

2 CHAIRPERSON GRULLON: There's the school
3 100 feet away from that property.

4 MR. PEREIRAS: The reality is there's no
5 parking there.

6 CHAIRPERSON GRULLON: I understand that,
7 but that's the only opportunity to have parking
8 for that residence.

9 MR. PEREIRAS: We would to remove the
10 street light and then we would be creating a curb
11 cut within 100 feet of a school, which we don't
12 want to do.

13 MR. DOUGHERTY: So if you look at
14 page seven, I think the story is right there on
15 page seven.

16 CHAIRPERSON GRULLON: That's what I'm
17 looking at.

18 MR. DOUGHERTY: Right. So we have a
19 vehicle parked where there's no parking. And the
20 way that street pole is and the way the other one
21 is, we would be taking essentially two parking
22 spots off the street to accommodate two parking
23 spots, you know, in that commercial space. So the
24 balance here, I think, is really a wash.

25 CHAIRPERSON GRULLON: I'm very familiar

1 with the area and parking is --

2 MR. DOUGHERTY: We're going to take
3 another parking spot off the street if we open up
4 that curb cut.

5 CHAIRPERSON GRULLON: Especially that
6 type of business, even if it's going to be only
7 for distribution, that's only -- it's a two way
8 street, you're going to have to have a vehicle
9 double parked there?

10 MR. PEREIRAS: Mr. Grullon, I have an
11 idea that might be -- actually it's counsel's
12 idea, so I credit her with it. There's an
13 extremely large side yard here. Maybe what the
14 real solution is coming back with this
15 application, creating parking spaces here. That
16 way, first of all, we're putting two cars on the
17 property here on the corner. And then we'll also
18 have the driveway in the front. So that if it's
19 necessary, these people could use the driveway to
20 load the vehicle and move forward. I think that's
21 a good solution.

22 MS. PEREZ: Here, you mean?

23 MR. PEREIRAS: No, further up toward the
24 corner, it's off that picture. If you look at
25 this corner, this is the garage, this is 30th

1 Street. This is all open right now, it's a
2 perfect opportunity.

3 CHAIRPERSON GRULLON: Again, Mr.
4 Pereiras, you take a nice house, removing the
5 parking. Now you want to remove the rear yard of
6 the house.

7 MR. PEREIRAS: Not the rear yard, the
8 side yard. It's not the whole thing, it's just a
9 portion here. It actually makes a lot of sense.
10 And this house has a rear yard, it has a rear yard
11 back here. It has a side yard, it has a side yard
12 across this whole thing. We're just putting two
13 vehicles here. And it just really makes sense
14 taking a space that's been preexisting, legalizing
15 it. We're not going to disturb the street lights,
16 the City street lights, we're not going to disturb
17 more vehicles. We're putting parking spaces
18 further away from the school, that way, they're
19 not that close to the school, which we don't have
20 want to curb cuts too close to the school.

21 MR. DOUGHERTY: The other component is
22 the individual who runs this operation lives in
23 that property, so it's not like someone has to
24 drive to their job, they just walk outside and
25 they're there distributing the water.

1 MS. PEREZ: Wouldn't they need a
2 commercial vehicle for the delivers? Where would
3 they put that?

4 MR. DOUGHERTY: There's a loading zone
5 at the end of 29th and Summit.

6 MS. PEREZ: It's the --

7 CHAIRPERSON GRULLON: That wouldn't be
8 open always, because that's for all the other
9 businesses.

10 MR. DOUGHERTY: There's a loading zone
11 at the end of the street.

12 MR. PEREIRAS: It's for all the
13 businesses to share. So he would come with his
14 truck, load it, and then leave.

15 CHAIRPERSON GRULLON: And the --

16 MR. PEREIRAS: Mr. Chairman, when I
17 first heard this --

18 CHAIRPERSON GRULLON: Same type of
19 operation, I don't know if it's still there -- on
20 Bergenline and 50 --

21 MR. PEREIRAS: There's several.

22 CHAIRPERSON GRULLON: -- the demand, you
23 know, people driving in and out is a lot.

24 MR. PEREIRAS: That's a retail facility.
25 He's really bottling here.

1 MR. DOUGHERTY: He's filling bottles
2 here.

3 CHAIRPERSON GRULLON: Do you have any
4 other witnesses?

5 MS. PEREIRAS: We do not have any other
6 witnesses.

7 MS. PEREZ: You could never separate
8 that, right? If you own that property, you
9 couldn't sell this part or that part, they go
10 together always? We're not making changes here
11 that wouldn't -- you couldn't sell that
12 separately?

13 MS. PEREIRAS: No, we're not subdividing
14 this lot at all.

15 MR. DOUGHERTY: I think if the use was
16 ever to change, it would have to come back to this
17 Board.

18 MR. PEREIRAS: Right now, as it is, it's
19 useless. Even the parking space -- you can't fit
20 a car there, it's too tight, based on the
21 commercial space that's there.

22 CHAIRPERSON GRULLON: According to your
23 zoning table, it shows that you're providing two
24 parking where four are required. But now you're
25 asking to add a business and five are going to be

1 required, which I'm not sure about that. Mr.
2 Spatz, the residential space would require four --

3 MR. SPATZ: That's correct, two for
4 each.

5 CHAIRPERSON GRULLON: And for the
6 business?

7 MR. SPATZ: One space for the business
8 because it's approximately 300 square feet.

9 CHAIRPERSON GRULLON: 300 square feet.
10 I mean that's removing what is existing.

11 MR. PEREIRAS: Right, but what's
12 existing is not working. It is an existing
13 garage, maybe when this was -- I don't know when,
14 it had two doors, there's two spaces there, you
15 can't fit vehicles there.

16 MS. PEREZ: What's in there now?

17 MR. PEREIRAS: It's like an old store
18 basically.

19 MS. PEREZ: It's a store that's
20 functioning?

21 MR. PEREIRAS: So 50 percent of that
22 space was a store. There's a wall, there's
23 shelves on the wall and it has a storefront there.
24 And then the other one --

25 CHAIRPERSON GRULLON: But it was

1 supposed to be a garage?

2 MR. PEREIRAS: I think at one point it
3 was a garage.

4 MR. DOUGHERTY: And then we lost that
5 with the pole in the front.

6 CHAIRPERSON GRULLON: They saw you --

7 MR. PEREIRAS: They saw it's a store.

8 CHAIRPERSON GRULLON: The impression was
9 that it was a legal store.

10 MR. PEREIRAS: Yeah.

11 MR. DOUGHERTY: But the parking, I think
12 was -- page seven really says there's two parking
13 spots in front there, technically one says no
14 parking. But if we operate that as a two car
15 garage, we lose two parking on street. I think
16 it's really just a wash. And again this is kind
17 of existing there for some time. I don't think
18 there's going to be much of a change to the public
19 in that surrounding area for the parking demand.
20 I don't think we're going to exacerbate it.

21 MR. PEREIRAS: And, Mr. Chairman, we
22 even have space between the house and the garage
23 to put a parking space there as well. I mean
24 there's -- if parking is really the issue here, we
25 have solutions.

1 CHAIRPERSON GRULLON: For the
2 residential portion, it's not providing any.

3 MR. PEREIRAS: But it's a preexisting
4 residential condition, where it's owner occupied
5 and it's been the condition for many, many years.
6 We're not increasing the parking demand from the
7 residential standpoint. In theory, we're
8 increasing the demand from the commercial
9 standpoint because we're creating the need for one
10 parking space. This is technically on the books,
11 but this is owner occupied. So it's not even like
12 he's going to have to drive to work, he lives
13 there. He's going to walk out his door and get to
14 his business.

15 CHAIRPERSON GRULLON: My question is the
16 school, all the traffic in that area, children
17 walking to school through that sidewalk. And
18 having that type of business, especially, because
19 you tell me a grocery store maybe beneficial for
20 the area. But something where you might have a
21 truck or something just to fill up the water --

22 MR. PEREIRAS: The deliveries are in a
23 van, he owns a van.

24 CHAIRPERSON GRULLON: Yes, a van. I
25 would say without any --

1 MS. PEREIRAS: Mr. Grullon, you
2 understanding your concerns and obviously they're
3 valid concerns, if the Board would be so kind to
4 give us an opportunity to just look at this again
5 and see if we can provide parking elsewhere. And
6 also my client was here at the last meeting, he
7 was here at the meeting before. He had every
8 intention of being here this evening, but could
9 not make it. But I think it might be prudent to
10 have him testify as to the operations of his
11 business. And I'd like to give him that
12 opportunity.

13 CHAIRPERSON GRULLON: Yeah. And you
14 mentioned that the client lives there.

15 MS. PEREIRAS: They live there, that is
16 correct.

17 CHAIRPERSON GRULLON: According to the
18 application, the address is Rochelle Park, they
19 don't -

20 MS. PEREIRAS: I'll double check that.
21 This is the parent's home, this is the home he
22 grew up in.

23 MR. PEREIRAS: If the parents are
24 living --

25 CHAIRPERSON GRULLON: My main concern is

1 the school, traffic in that area. In particular
2 that type of business. I know even if they say
3 it's only one van, early in the morning, maybe
4 late at night. I cannot make that as a condition,
5 you know, once you approve a business there.
6 First of all, it's going to be two principals, you
7 know. And it's going to remove the opportunity
8 for parking in an area that has no parking at all.
9 That area is no parking because I know every time
10 I go to that school, I have to drive around for
11 hours just to find a space. And that's during the
12 day. I can't imagine at night. Talk to your
13 client.

14 MR. DOUGHERTY: Two spaces would be lost
15 if we made this a garage.

16 CHAIRPERSON GRULLON: I mean if it goes
17 back to being a two car garage for the residential
18 unit, I guess we have to talk to public works to
19 remove the post.

20 MS. PEREIRAS: Okay.

21 CHAIRPERSON GRULLON: That's not under
22 our jurisdiction.

23 MS. PEREIRAS: I understand. Like I
24 said, I'd like the client to be able to --

25 CHAIRPERSON GRULLON: I believe on the

1 record is legally two parking spaces there.

2 MS. PEREIRAS: I'm not sure because
3 again they're not useable spaces. So I think in
4 the past, at some point, it must have been --

5 CHAIRPERSON GRULLON: There's an
6 opportunity to create a better living for the
7 residents, instead of making a business there and
8 removing the --

9 MS. PEREZ: Does the client already have
10 that business some place else and it's functioning
11 or this is an idea to start a new business?

12 MR. PEREIRAS: He works in that
13 business, now he wants to have his own operation.

14 MS. PEREZ: He has experience.

15 MS. PEREIRAS: And it's a small
16 operation, this isn't big.

17 CHAIRPERSON GRULLON: This is the first
18 time that we're hearing this application?

19 MS. PEREIRAS: This is our third time
20 here, but this is the first time you're hearing
21 the application.

22 MS. PEREZ: Third attempt.

23 CHAIRPERSON GRULLON: Let me open it to
24 the public. Any members of the public want to
25 step forward on this application? Hearing none,

1 close to the public. I'm going to make a motion
2 to carry this application --

3 MS. PEREIRAS: I appreciate that.

4 CHAIRPERSON GRULLON: -- to the next
5 meeting and we go over it one more time.

6 VICE CHAIRPERSON GUTIERREZ: I second
7 it.

8 MR. VALLEJO: Motion to carry this
9 application for February 9th. Motion by Mr.
10 Grullon, seconded by Ms. Gutierrez. Roll call on
11 the motion.

12 Mr. Grullon.

13 CHAIRPERSON GRULLON: Yes.

14 MR. VALLEJO: Ms. Gutierrez.

15 VICE CHAIRPERSON GUTIERREZ: Yes, to
16 carry.

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. What about time limits?

25 MR. PANEQUE: This is the third time.

1 Ms. Pereiras, you waive the statutory time
2 periods?

3 MS. PEREIRAS: Of course.

4 MR. PANEQUE: Thank you.

5 MR. VALLEJO: Do I need to do roll call
6 again?

7 MR. PANEQUE: It's on the record.

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

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4 MR. VALLEJO: We're moving on to 38
5 Realty, LLC, 611 38th Street.

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

8 I've been provided by Ms. Pereiras with
9 a certification as to publication and service
10 noting that notice was given to all property
11 owners within a 200 foot radius on December 20th
12 with respect to the property at 611 38th Street
13 and the application to be heard at this location.

14 I've also been provided with a tax list
15 from the tax assessor's office noting all property
16 owners. This list was dated December 20, 2022.

17 I've also been provided with the
18 certified mail receipts with a postmark date of
19 December 27, 2022.

20 What I don't have here, Ms. Pereiras, is
21 your affidavit of publication.

22 MS. PEREIRAS: It's not on the front
23 page? I apologize.

24 It's not at the end, Counsel? My
25 apologies.

1 MR. PANEQUE: It's late, my apologies.

2 I also have here the notice of
3 publication from The Jersey Journal with a date of
4 December 30, 2022. Now, something's been brought
5 to my attention, which is also noted on the
6 calendar. And that is that revised drawings were
7 presented on this application. And according to
8 the calendar -- and, Mr. Vallejo, we're going to
9 need your assistance with this -- revised plans
10 were received on January 3rd?

11 MR. VALLEJO: Yes. The stamp on the
12 blueprints, yeah.

13 MR. PANEQUE: So they were not submitted
14 within the 10 day period.

15 MR. VALLEJO: Right. Same day of the
16 resolution of Cliff Street.

17 MR. PANEQUE: The same day as the plans
18 for the Cliff Street resolution.

19 MS. PEREIRAS: Let me confirm with the
20 architect because I did not personally deliver
21 those.

22 MR. PANEQUE: Ms. Pereira, you want to
23 step up to the table over here and Mr. Pereira.

24

25 (Discussion held off the record.)

1 MR. PANEQUE: Let the record reflect
2 that we have verified that the revised plans were
3 submitted on the 3rd of January, thereby not
4 meeting the 10 day statutory required time period.
5 As such, even though we have established
6 jurisdiction for this Board to hear this matter,
7 we have not established the 10 day rule
8 requirement for the plans to be presented and be
9 available to the public.

10 As such, my recommendation would be that
11 this matter be carried to the next meeting on
12 February 9th.

13 MS. PEREIRAS: Counsel, obviously we
14 have no objection to that.

15 MR. PANEQUE: And you will waive the
16 statutory time requirements?

17 MS. PEREIRAS: Absolutely.

18 CHAIRPERSON GRULLON: With that, I make
19 a motion to carry to the next meeting.

20 MR. VALLEJO: Motion to carry to
21 February 9th by Mr. Grullon.

22 VICE CHAIRPERSON GUTIERREZ: Second it.

23 MR. VALLEJO: 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. VALLEJO: Mr. Ortiz.
5 MR. ORTIZ: Yes.
6 MR. VALLEJO: Ms. Pena.
7 MS. PENA: Yes.
8 MR. VALLEJO: Ms. Perez.
9 MS. PEREZ: Yes.
10 MR. VALLEJO: Five in favor, motion
11 carries. No new notice required, right?
12 MR. PANEQUE: No new notice.
13 MR. VALLEJO: Thank you.

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1 **JORGE PEREZ -**

2 **514 36TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Jorge Perez, 514 36th Street.
6 Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect
8 that I've been provided by Ms. Pereiras with the
9 certification as to publication and service noting
10 that notice of tonight's hearing was provided to
11 all property owners within a 200 foot radius of
12 514 36th Street, on December 20, 2022. Said
13 certification is signed by Ms. Pereiras.

14 I've also been provided with a tax list
15 from the tax assessor's office indicating all
16 property owners within the 200 foot radius of the
17 property in question, dated December 20th.

18 I've also been provided with the
19 certified mail receipts dated December 27, 2022,
20 as well as the affidavit of publication, at the
21 end, with a publication date of December 30, 2022.
22 Said publication indicates that notice of
23 tonight's hearing with respect to the property in
24 question will be heard over here at the Union City
25 High School this evening.

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

4 MS. PEREIRAS: Thank very much, Counsel.
5 Bianca Pereiras on behalf of Jorge Perez for
6 property located at 514 36th Street, also known as
7 Lot 25 in Block 218.

8 This property we're very excited to
9 bring this in front of the Board because we are
10 fixing a huge problem. This building or was a
11 rooming house and the applicant is looking to
12 remove the rooming house status and convert it
13 into a four-family home.

14 We have two experts to testify before
15 the Board this evening. And I'd like to begin the
16 presentation with our architect, Mr. Manuel
17 Pereiras.

18
19 M A N U E L P E R E I R A S, previously sworn:
20

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

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with the property at 514 36th Street?

25 MR. PEREIRAS: I am.

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

3 MR. PEREIRAS: I did.

4 MS. PEREIRAS: And would you kindly
5 describe the proposal for the Board?

6 MR. PEREIRAS: I'd be very happy to. As
7 counsel said, this was previously a legal rooming
8 house. And as we know there's a school coming
9 immediately next to this property and we didn't --
10 we definitely did not want that transient nature
11 around the school and we wanted to make this into
12 more permanent residences. And so what we're
13 doing is we're not making any additions to the
14 building whatsoever, we're just taking the rooming
15 house out and carving out four apartments within
16 the existing structure, with actual minimal change
17 at this point.

18 We have a little bit of an undersized
19 lot, we are 25 feet wide, it is 73.18 feet in
20 length. As I said, again, the site plan of this
21 building is not changing at all, neither is the
22 facade or any of the facades.

23 Turning now to the second page, sheet
24 Z02, we see the ground floor. We have apartment
25 number one, it is a one bedroom unit. They

1 have -- it's actually a two bedroom unit. They
2 have a bedroom along the front and then the second
3 bedroom and living, dining room and kitchen in the
4 center. If you go to apartment number two, which
5 is accessed from the outside, it has its own
6 independent entrance, you have a one bedroom
7 apartment, it is slightly awkward in shape it is 7
8 foot 2 by 20 foot, 6, as a one bedroom. However,
9 we are dealing with the preexisting condition.
10 That apartment duplexes downstairs to the basement
11 level, where there's an additional bathroom and
12 family room in that area.

13 If you go through that main entrance up
14 the stairs, you are left with the additional two
15 other apartments. Apartment towards the front is
16 a two bedroom again, similar layout as below.
17 Living room dining room and kitchen in the middle
18 and one bedroom in the front, one bedroom on the
19 side. And then the apartment towards rear, there
20 is an existing bedroom and then another awkward
21 sized bedroom, so it's a two bedroom unit along
22 the back of this property.

23 Now, we are dealing with what I would
24 consider to be a preexisting nonconforming
25 structure, so some of the rooms are a little bit

1 awkward in shape. We have windows that are
2 preexisting. We're not modifying any of those
3 windows because we don't have the purview to
4 modify those windows because they are lot line
5 windows. So we're really stuck with the format or
6 the layout that we have. And then we're
7 legalizing that condition.

8 That said, we are doing significant
9 safety measures to make sure this is a safe
10 building, both for the school children next door,
11 for the inhabitants there, and really the whole
12 block. This is going to be fully sprinklered with
13 fire suppression system. It's going to have alarm
14 systems in places in there and it's going to have
15 fire separation assemblies created throughout. So
16 we're really upgrading the safety of this and
17 changing the use from that transient nature to now
18 a four unit house makes a really big difference.

19 That concludes my testimony, I'll leave
20 it open to the planner.

21 MS. PEREIRAS: If there are no questions
22 of the architect at this time, we'll call Mr.
23 Dougherty.

24

25 A L E X A N D E R D O U G H E R T Y, previously

1 sworn:

2

3 MR. DOUGHERTY: Alex Dougherty, I
4 recognize I'm still under oath. I prepared
5 another exhibit packet, this one is eight pages
6 instead of nine, very reflective of the last few
7 I've handed out. If it pleases the Board, I'll
8 pass these out.

9 So the first page indicated in red, kind
10 of to the top, if you will, red arrow front and
11 center, indicating the property in question. We
12 are in the C-N zone, neighborhood commercial, a
13 little different than what we have been hearing.

14 Slide two, same thing as prior. Red
15 square there in the middle is indicating the
16 property in question. That big white space there
17 would be the location of the school, so, again,
18 we're adjacent. If you look at that slide two
19 here, what's important to note is close to
20 Bergenline Ave. With that being said, we're at
21 514 36th, it's one tax lot, we're on Block 218,
22 Lot 25.

23 Next couple photos here on page 3 is
24 head-on shot from the ground perspective. This
25 was taken on January 7th and we just kind of

1 circulate around it a little bit, page 4 kind of
2 showing the side here.

3 And then we jump into the drones, give a
4 massing of the building, if you will. As you
5 heard, it's pretty long. What you see is kind of
6 what you get, we're not changing anything on the
7 outside, we're not building up, we're not going
8 back, we're not going forward.

9 And I think on page 6 here really shows
10 some of the window concerns that we were talking
11 about before and the conditions that were just
12 mentioned before, the way the building is shaped.

13 But the next slide here on page 7 kind
14 of shows the general areas, if you will, site to
15 the top left there. I guess the proposed location
16 of the school. We have a parking deck across the
17 street. And then we start to look at the overall
18 site itself and what's manifested across the
19 street. We do have a large scale building
20 directly across, really orientated towards
21 Bergenline. And then on our side of the street is
22 another brick facade residential dwelling. And
23 then a large massing on the public realm, again,
24 building orientated towards Bergenline Ave.

25 And page eight here is really the

1 activity happening at Bergenline Ave., immediate
2 to the site. Again, a lot of commercial retail
3 and abundance at your doorstep here.

4 So the plan, as we heard, is to convert
5 a former rooming house into apartments or housing,
6 if you will. We are looking for a (d) (1) use
7 variance here, as this zone is slightly unique
8 where it calls for mixed use retail on the ground
9 floor, that's that neighborhood commercial element
10 there. The building, you see, it's not commercial
11 on the ground floor, it's existing residential.
12 We're just modifying the interior to make some
13 housing accommodations.

14 From the (d) (1) use variance here and we
15 look at it, the site suitability. I think the
16 site is particularly suited just for the
17 residential. Again, existed there for quite some
18 time. When we look at the massing of the street,
19 with the school coming next door, the larger
20 buildings that are anchored and the void, if you
21 will, on the public realm, it really wouldn't make
22 a whole lot of sense to smack retail or commercial
23 right there on that ground floor.

24 And, again, you know, that's really the
25 context of the area and when we look at the

1 Bergenline Ave., if you will, we do have bus
2 line 22, 84, and 159 literally just around the
3 corner, just steps away. The building exists the
4 way it does here. You know, given the street
5 traffic, residential dwelling is more suited here,
6 while supporting, if you will, that commercial
7 corridor with some density, some residents.

8 Again, we've got special reasons. The
9 project promotes the general welfare with new
10 housing stock for a growing population. The
11 project promotes planning goals to provide
12 diversity of housing to meet the needs of all
13 people. The project retains and improves what's
14 there, improvements add value and quality to the
15 site, which adds value and quality to the
16 neighborhood. The project promotes efficient land
17 use, variety of land uses and positive aesthetics
18 by virtue of not changing anything here, from the
19 public realm.

20 All the above promote purposes of the
21 Land Use Law, purpose A, E, G, I, and M. Purpose
22 E being the appropriate population and densities
23 in appropriate locations. Though we do not have
24 retail on the ground floor, I think this property
25 could certainly support that corridor. We look at

1 public impacts, relief can be granted without
2 substantial detriment to the public. The project
3 will have minimal, if any, impacts. Again, it's
4 existed as a residential dwelling, which is a
5 rooming house, we're converting the rooming house.
6 We think it's more appropriate next to a school
7 and our community to have homes instead of very
8 transient members of the community living next to
9 the schools.

10 With that being said, when we look at
11 the building, it's designed, all applicable
12 building and fire codes will be met, it will be
13 sprinkled. And the overall massing of the
14 building, if you will, does not change, we're not
15 going up, we're not going backwards or forward.
16 It's not going to overpower the area having this
17 two story residential dwelling here.

18 With that, the zone plan impact, I
19 believe relief relates to a distinct piece of
20 property with distinct characteristics and
21 attributes and not the whole zone. If you kind of
22 look at the fabric, if you will, of this
23 neighborhood, the way those two buildings on the
24 corner are anchored, this big void there, bringing
25 retail down here to this site, I don't think is

1 appropriate. With that being said, relates to
2 this as relates to the whole zone. I think we are
3 promoting the zone intent by adding, you know,
4 residents or density to promote that neighborhood
5 commercial feel of the retail corridor.

6 When I look at the master plan
7 re-examination report, again I think we hit a lot
8 of key goals here, to encourage economic
9 development, preserve the character of the
10 community. We are preserving that character, it
11 was residential, we're keeping it residential and
12 we're encouraging again by putting people next to
13 the commercial corridors there. And we promote
14 and reenforce the City as a desirable residential
15 location, and an attractive shopping,
16 entertainment, and recreation destination, and to
17 improve the quality of life, I think we're doing
18 that with the conversion of a rooming house to
19 apartments here.

20 With that being said, I'll conclude. We
21 do have some (c) relief here. We're not changing
22 anything to the property, the relief that's here
23 is really a hardship due to the existing
24 structures that lawfully exist thereon. Minimum
25 rear yard setback is 20 feet, we have zero. And

1 the minimum side yard setback, zero on one side,
2 five for both, we're at 4.21 and zero for the
3 both. I'm not sure how that actually manifested
4 but that's what I was looking at there. We do
5 have some longstanding conditions. And I think
6 when we look at those side yard setbacks, the way
7 the building kind of jogs in there, given those
8 windows there, we do have that separation, if you
9 will, it's a little bit smaller up front. Again,
10 adequate, light air and open space with the
11 windows there, even though they are an issue for
12 the setbacks here.

13 But nonetheless the project brings a
14 healthy balance of housing options. The project,
15 if you will, helps to fill -- again what we call
16 the missing middle in the planning world, which is
17 to provide more housing options, instead of the
18 larger robust apartment complexes or the single,
19 it's the missing middle. And I think the lack of
20 retail commercial on the ground floor is not felt
21 at this site or on this street. I don't think
22 it's taking way from the zone intent or the
23 integrity.

24 With that said, I believe this is
25 perfectly suited here, especially with the school

1 coming online nearby. And, again, most notably,
2 it will add value to Union City's housing. And
3 with that said, the statutory criteria for relief,
4 I believe, has been met and approval would be
5 warranted.

6 CHAIRPERSON GRULLON: Thank you, Mr.
7 Dougherty. Again, the pictures explain
8 everything, so thank you very much, it's perfect.

9 But I have a question for the architect.
10 Mr. Pereiras, could you come up. On page Z02,
11 you're showing parking. Do you have -- you're
12 providing parking on-site?

13 MR. PEREIRAS: No.

14 CHAIRPERSON GRULLON: Page Z02.

15 MR. PEREIRAS: I'm on sheet Z02.

16 CHAIRPERSON GRULLON: What do I have
17 here?

18 VICE CHAIRPERSON GUTIERREZ: That's what
19 he's looking at.

20 MR. PEREIRAS: That's the next door -- I
21 don't know why your Z02 is different.

22 CHAIRPERSON GRULLON: That's supposed to
23 be the school?

24 MR. DOUGHERTY: It was at one point a
25 big parking --

1 MR. PEREIRAS: That's the previous
2 parking lot. That's the way we got our survey.
3 It's the lot that was right next door, that's all
4 it is.

5 MR. PANEQUE: Those parking are not
6 there any longer.

7 MR. PEREIRAS: When we did the drawings,
8 they were.

9 CHAIRPERSON GRULLON: Are you providing
10 parking?

11 MR. PEREIRAS: We're not, that's the
12 adjacent lot. Normally, we show the building
13 adjacent, we showed the parking adjacent because
14 that's what was there.

15 CHAIRPERSON GRULLON: According to Mr.
16 Spatz's memo --

17 MR. SPATZ: It appeared in my review
18 that those were being provided as spaces for --

19 MR. PEREIRAS: I could see the
20 confusion.

21 MR. DOUGHERTY: The way the property
22 sits, there's no parking. I believe, correct me
23 if I'm wrong, there's six rooming units. So I
24 think what we're just doing is just adding a
25 different member of our community in this

1 location, given the school is there. This is
2 really just an internal operation.

3 CHAIRPERSON GRULLON: Yeah. And could
4 you go over again the proposed renovation of the
5 building? Because, you know, it's going to be
6 next to a school now.

7 MR. PEREIRAS: Absolutely.

8 CHAIRPERSON GRULLON: And according to
9 the memo from the building department this is a
10 two-family house there.

11 MR. PEREIRAS: No, it's a legal rooming
12 house.

13 MR. PANEQUE: It's a two unit structure,
14 which the two unit structure is what the building
15 department recognizes it as. But your
16 representation is that those two unit structures
17 are legalized as rooming houses?

18 MS. PEREIRAS: Correct.

19 MR. PEREIRAS: That's correct.

20 MR. PANEQUE: So it's a transition use?

21 CHAIRPERSON GRULLON: Could you please
22 go over the proposed renovation?

23 MR. PEREIRAS: I will.

24 CHAIRPERSON GRULLON: Now that it's not
25 going to be against a parking lot, if you take in

1 consideration it's going to be next to a school?

2 MR. PEREIRAS: So again the actual
3 physical building, we're not making any
4 modifications to it other than fire upgrades and
5 code upgrades. So the existing facade is the
6 same, the windows are the same locations, the
7 rooms and walls are all in the same condition.

8 What we're doing is we're adding a
9 sprinkler system, we're adding fire and tenant
10 separations, one hour separation between tenancies
11 and alarm systems.

12 CHAIRPERSON GRULLON: Mr. Pereiras, my
13 question is because it's going next to a beautiful
14 building now and I appreciate that removing a
15 rooming house is not what we want to have next to
16 a school, but my question was if you're going to
17 do something with that side, maybe renovate that
18 section of the walls?

19 MR. PEREIRAS: Absolutely, we can. We
20 can upgrade that section, we can just refinish
21 that entire wall.

22 CHAIRPERSON GRULLON: Can you come up --

23 MR. PEREIRAS: Based on the
24 photographs --

25 MR. DOUGHERTY: It's --

1 MR. PEREIRAS: -- so the front portion
2 is stucco, we can do that absolutely.

3 CHAIRPERSON GRULLON: -- make that look
4 nice.

5 MR. PEREIRAS: Absolutely.

6 CHAIRPERSON GRULLON: And the changes
7 inside, could you just go over one more time? Are
8 they going to be --

9 MR. PEREIRAS: So we have two bedrooms
10 along the front and then one bedrooms along the
11 rear.

12 CHAIRPERSON GRULLON: Okay. That's for
13 all of them?

14 MR. PEREIRAS: Let me go to the chart
15 just to be 100 percent sure. Yeah, there's -- we
16 have apartment number one is a one bedroom,
17 apartment number two is a one bedroom, apartment
18 number three is a two bedroom, and apartment
19 number four is a two bedroom.

20 CHAIRPERSON GRULLON: Okay. The
21 location of the building is right across the
22 garage?

23 MR. PEREIRAS: Correct.

24 MR. DOUGHERTY: What's nice about the
25 one bedrooms is they tend to be a little bit

1 cheaper, so we have some housing options for the
2 community.

3 CHAIRPERSON GRULLON: I don't have any
4 other questions, do you have any questions? Okay.
5 Do you have anymore witnesses?

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

7 CHAIRPERSON GRULLON: At this point, I
8 want to open it to the public. Any members of the
9 public want to step forward on this application?
10 Hearing none, close to the public.

11 Taking in consideration that this is
12 going to remove a nonconforming use, it's going
13 bring the building more up to code and with the
14 condition to renovate the wall that is going to be
15 facing the school, I make a motion to grant this
16 application.

17 MR. VALLEJO: Motion on the table to
18 grant 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: Mr. Ortiz.

3 MR. ORTIZ: Yes.

4 MR. VALLEJO: Ms. Pena.

5 MS. PENA: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Five in favor, motion
9 carries. Congratulations.

10 CHAIRPERSON GRULLON: Mr. Pereiras,
11 could you revise the plans?

12 MR. PEREIRAS: I will.

13 CHAIRPERSON GRULLON: I don't want to
14 sign on this with the parking spaces.

15 MR. PEREIRAS: No problem.

16 MR. VALLEJO: I think you can remove the
17 page?

18 MR. PANEQUE: No because the page has
19 other information.

20 MR. VALLEJO: Next time, you have to
21 bring 13 sets and I'll have one for you.

22 MR. PEREIRAS: Thank you.

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

25 * * * *

ADOPTION OF RESOLUTIONS:

(1.) Ayoub Brothers Realty, LLC. 4007 Bergenline Avenue. Block: 234 Lot: 31 Legalization of residential dwelling unit of existing 3 story mixed use building with 3 residential units and ground floor commercial. The applicant's attorney is requesting an extension. The resolution was memorialized on November 1, 2018. **Approved**

(2.) Christoff Schluender. 1801-1803 Cliff Street. Block: 177 Lots: 25 & 26. Construction of one (1) two-family house and one (1) one-family house. **Approved. Revised drawings received on 01-03-2023**

(3.) 537 27th Street Alicia & Oswaldo Toro. Block: 148 Lot: 27 The applicant proposes to convert a commercial space on the ground floor of an existing mixed-use building into an apartment. There will be two units in the building. **Approved**

(4.) Edward Medina 728 Sip Street. Block: 174 Lots: 26 & 27. Subdivision of 2 existing lot into 4 lots and the proposed construction of 4 new 2 family homes. **Withdrawn**

MR. VALLEJO: Okay. We're moving to resolutions, all right. According to the agenda,

1 we have four resolution, but resolution number
2 two, 1801-1803. Mr. Paneque?

3 MR. PANEQUE: With respect to resolution
4 number two for the property at 1801-03 Cliff
5 Street, this resolution is going to be tabled
6 tonight and carried to the next meeting due to the
7 fact that the revised plans were only submitted on
8 the 3rd of January, not within the 10 days
9 statutory required period. As such, we're going
10 to carry it to February 9th for memorialization.

11 MR. VALLEJO: Thank you, Mr. Paneque.
12 Then we have three resolutions on tonight's
13 agenda, removing that one. Ayoub Brothers Realty,
14 LLC, 4007 Bergenline Avenue. This application was
15 approved at the previous meeting, it's an
16 extension.

17 That one -- I'm sorry that would be
18 number two, 537 27th Street, Alicia and Oswaldo
19 Toro, this application was approved at the
20 previous meeting.

21 And number four that will be number
22 three, Edward Medina, 728 Sip Street. The
23 applicant's attorney withdrawing the application.

24 Can I have a motion to adopt these
25 resolutions?

1 CHAIRPERSON GRULLON: Motion to adopt.

2 VICE CHAIRPERSON GUTIERREZ: Second to
3 adopt.

4 MR. VALLEJO: Motion by Mr. Grullon,
5 seconded by Ms. Gutierrez. Roll call on the
6 motion to adopt the resolution, 4007 Bergenline
7 Avenue, 537 27th Street, and 728 Sip Street. Roll
8 call on the motion.

9 Mr. Grullon.

10 CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 VICE CHAIRPERSON GUTIERREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Pena.

16 MS. PENA: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

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

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ADJOURNMENT:

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

MS. PEREZ: Motion.

MR. VALLEJO: Motion by Ms. Perez.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.
All in favor.

(All Board Members indicate in the affirmative.)

MR. VALLEJO: The ayes have it. Let the record show the meeting has ended. Thank you and good night, everyone.

(Whereupon the matter was adjourned.)

C E R T I F I C A T E

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

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700