

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, February 9, 2023
Commencing at 6:27 p.m.

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

VICTOR M. GRULLON, Chairperson
MIGUEL ORTIZ (arrived at 6:28)
ROSIO PENA, Alternate #1
GERALDINE PEREZ, Alternate #2
MINDRY WATLEY, Alternate #4

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

MARGARITA GUTIERREZ
LIBERO MAROTTA
RAYMOND CETINICH

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

NEIL MAROTTA, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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A P P E A R A N C E S:

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Union City Renewal Associates, LP

J. ALVARO ALONSO, ESQ.
Attorney for Applicant, 4531 Harrison
Place, LLC

ANTHONY ARTURI, ESQ.
Attorney for Applicant, 1512 Palisade
Avenue

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

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 1616 Kennedy
Blvd. LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Mohammed Abu Ali

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, MI 412 4th
Street, LLC

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I N D E X

38 REALTY, LLC
611 38th Street

WITNESSPAGE

MANUEL PEREIRAS

27

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NO

EXHIBITS

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1616 KENNEDY BLVD. LLC
1616 Kennedy Blvd.

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MOHAMMED ABU ALI
133 19th Street

WITNESSPAGE

MANUEL PEREIRAS

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MICHAEL KAUKER

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NO

EXHIBITS

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MI 412 4TH STREET, LLC
412 4th Street

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

3 Please take notice that on Thursday,
4 February 9, 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 is absent.

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

Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Here.

MR. VALLEJO: We have four members present.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: We're moving to the approval of previous meeting minutes January 12, 2023. Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

MS. PEREZ: Second.

MR. VALLEJO: Second by Ms. Perez.

Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Three in favor, motion carries.

Let the record indicate that Mr. Ortiz joined the meeting at 6:28. We have five members now.

* * * *

1 **720 8TH STREET UNION CITY RENEWAL ASSOCIATES, LP -**
2 **720 8th Street:**

3
4 MR. VALLEJO: We are going now to an
5 extension, 720 Eighth Street.

6 MR. HONG: Michael Hong.

7 We're here to seek an extension of
8 approvals. This is our third extension request,
9 and what will be our final. This project has been
10 faced with the COVID supply chain issues and most
11 recently the interest rates have not been helpful
12 to the financing of the project. We have all the
13 problems of a market rate development with
14 affordable since we are a 100 percent affordable
15 project.

16 And we do have -- we've been working
17 with Union City Housing Authority and we have
18 vouchers that are helpful in trying to expand
19 affordability. And we've been working with the
20 Mayor's office and we've been able to cap the
21 remaining rents that don't have vouchers because
22 there was 25 special needs And homeless units and
23 they are also receiving vouchers from the state.
24 And for the remainder, there's like 18 units that
25 don't have vouchers, their affordability is going

1 to be more enhanced, they're going to be capped at
2 \$800 net rents.

3 So this project, we've been -- we're
4 almost at the final finishing point. We Have
5 support from the New Jersey EDA, Economic
6 Development Authority, through their Aspire
7 program and the New Jersey Housing Mortgage
8 Finance Agency and they are lending their support
9 and the City is also lending their support. And
10 we finally have all our ducks in a row. So we
11 hope to start construction this year. And I just,
12 you know, graciously ask for one more extension.

13 CHAIRPERSON GRULLON: Thank you for your
14 explanation. You mentioned you are ready to
15 proceed now with this extension. Because I just
16 want to say for the record, normally, we don't
17 extend an application two or three times, we only
18 allow for one extension. But in this case, since
19 it's something that is going to benefit the
20 community, it is affordable housing that is very
21 much needed for the community, I think it's worth
22 it to continue with the project. And I make a
23 motion to grant the extension.

24 MR. VALLEJO: Motion on the table to
25 approve the extension by Mr. Grullon.

1 MS. PEREZ: Second.

2 MR. VALLEJO: Seconded by Ms. Perez.

3 Roll call on the motion to approve a one year
4 extension. Mr. Grullon.

5 CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Pena.

9 MS. PENA: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

12 MR. VALLEJO: Ms. Watley.

13 MS. WATLEY: Yes.

14 MR. VALLEJO: Five in favor, motion
15 carries.

16 CHAIRPERSON GRULLON: Thank you.

17 MR. HONG: Thank you, I appreciate it.

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1 **4531 HARRISON PLACE, LLC -**

2 **4531-4535 HARRISON AVENUE:**

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4 MR. VALLEJO: We're moving to number
5 two, 4531 Harrison Place. 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 have
9 provided counsel with my proof of publication and
10 notices, which we have reviewed for jurisdictional
11 purposes.

12 MR. MAROTTA: I find that the Board does
13 have jurisdiction.

14 MR. ALONSO: Thank you.

15 Mr. Chairman, I found out late this
16 afternoon that my architect is unavailable for
17 this evening, so I cannot proceed without my
18 witness. So I would ask that the Board take
19 jurisdiction and carry this to the next available
20 hearing.

21 MR. ORTIZ: Just a minute, Mr. Alonso.
22 Carlos, you said 4535?

23 MR. VALLEJO: 4531 Harrison Place.

24 MR. ORTIZ: Thank you.

25 CHAIRPERSON GRULLON: And the reason is

1 because you don't have --

2 MR. ALONSO: My architect.

3 CHAIRPERSON GRULLON: -- your architect
4 available this evening?

5 MR. ALONSO: That's correct.

6 CHAIRPERSON GRULLON: And you're asking
7 to carry this over to the next Board meeting?

8 MR. ALONSO: Yes, please.

9 MR. VALLEJO: March 9th.

10 CHAIRPERSON GRULLON: If anyone is here
11 for this application, 4531-4535 Harrison Avenue,
12 there's a request on the table to carry this
13 matter to the next Board meeting, which is going
14 to be on March 9th.

15 And with that, I make a motion to carry
16 it over.

17 MR. VALLEJO: Motion to adjourn this
18 application to March 9th, no new notice required
19 by Mr. Grullon.

20 MS. PEREZ: Second.

21 MR. VALLEJO: Second by Ms. Perez. Roll
22 call on the motion.

23 Mr. Grullon.

24 CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: Yes.

4 MR. VALLEJO: Ms. Perez.

5 MS. PEREZ: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

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

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1 **1512 PALISADE AVENUE -**

2 **1512 PALISADE AVENUE:**

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4 MR. VALLEJO: Next is 1512 Palisade
5 Avenue. Mr. Arturi, please.

6 MR. ARTURI: Good evening, ladies and
7 gentlemen of the Board. I'm Anthony Arturi for
8 the applicant. I've submitted my notice and I
9 brought the originals here in case they're needed.

10 MR. MAROTTA: If I may? I didn't have a
11 chance to review them, if I could take a moment?

12
13 (Whereupon a short recess was taken.)

14
15 MR. VALLEJO: Back on the record.

16 MR. MAROTTA: Thank you. We've had an
17 opportunity to review all the mailings, there is
18 jurisdiction for the matter.

19 MR. ARTURI: Thank you.

20 Thank you. Unfortunately, like Mr.
21 Alvaro, my professional witnesses also are not
22 available. So Jose Carvallo, my architect, and
23 John McDonough, my professional planner, are at
24 other meetings. So I prefer to present with both
25 of them present in one meeting, particularly

1 because I know there's objections and there's
2 objectors here. So I would like both witnesses to
3 be present at the same time.

4 So they are both scheduled to be here
5 for other meetings on March 9th, so I'd ask that
6 we confirm jurisdiction and carry this application
7 to March 9th.

8 CHAIRPERSON GRULLON: Thank you. Your
9 request is to carry this matter to March 9th
10 meeting?

11 MR. ARTURI: Yes.

12 CHAIRPERSON GRULLON: And the reason is
13 because your planner and your architect are not
14 present at the moment?

15 MR. ARTURI: Correct.

16 CHAIRPERSON GRULLON: Just for the
17 record, I had the opportunity to review a letter
18 that was sent to you by the residents, and also
19 copied Mr. Vallejo. If you can try to alleviate
20 their concern before you come back to present, we
21 can hear, you know, the concern of the residents.

22 MR. ARTURI: I'm happy to meet outside
23 with anybody after this.

24 MR. MAROTTA: But at the Board meeting
25 itself next time, if your experts can address

1 those concerns.

2 MR. ARTURI: Oh, yeah, definitely. I
3 did get one letter. I don't know --

4 CHAIRPERSON GRULLON: It's just one.

5 MR. VALLEJO: It's the letter.

6 MS. VANETIK: I can give you more
7 letters.

8 MR. MAROTTA: If any residents are going
9 to send any documents, please send them to Mr.
10 Vallejo, the board secretary.

11 CHAIRPERSON GRULLON: Any Members of the
12 Board have any questions on this, before we carry
13 this over? We're not going to hear the residents
14 right now, we're going to carry this matter. I
15 know there are residents that have concerns and
16 you want to expresses your concerns, but you're
17 going to have to wait until they get all the
18 professionals here so they can answer your
19 concerns for the next meeting on March 9th. I
20 make a motion, this is the first request.

21 MR. MAROTTA: And there is jurisdiction.

22 CHAIRPERSON GRULLON: We're just going
23 to carry this to March 9th without new notice.

24 MR. ARTURI: Thank you very much.

25 MR. VALLEJO: Motion on the table to

1 carry this application to March 9, 2023, by Mr.
2 Grullon. And a second on the motion?

3 MS. PEREZ: Second.

4 MR. VALLEJO: Second by Ms. Perez. Roll
5 call on the motion to carry this application to
6 March 9, 2023, same place, same location. Mr.
7 Grullon.

8 CHAIRPERSON GRULLON: Yes.

9 MR. VALLEJO: Mr. Ortiz.

10 MR. ORTIZ: Yes.

11 MR. VALLEJO: Ms. Pena.

12 MS. PENA: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

17 MR. VALLEJO: Five in favor, motion
18 carries. No new notice required?

19 CHAIRPERSON GRULLON: No new notice
20 required.

21 MR. ARTURI: Thank you.

22 MR. MAROTTA: I'd just like to make a
23 statement for the residents that are here. I know
24 you came out tonight, the Board recognizes that.
25 However, it's very important that you hear the

1 application first, that might address some of your
2 concerns. It might -- and it also may raise
3 additional issues for you. So for a complete
4 record, it's necessary that everything be done as
5 much as possible on the same night.

6 MS. VANETIK: I just want to say if I
7 may --

8 MR. MAROTTA: There will be an open --

9 CHAIRPERSON GRULLON: It's okay, let's
10 open.

11 MR. MAROTTA: Can you present -- can you
12 step up and state your name and address for the
13 record.

14 MS. VANETIK: Hello, my name is Yulya
15 Vanetik, I'm a resident at 1510 Palisade Avenue.
16 I am sharing the same foundation and the same
17 walls with the proposed, you know, development,
18 which is going to take up the whole lot of the
19 space. So I'd like to, you know -- I saw the
20 plans, so I already know what's going up there.

21 CHAIRPERSON GRULLON: We have a letter
22 with some of your concerns. I don't know if
23 you're on this letter, but if you have any other
24 concerns you want to put in writing, please send
25 them over to the office. We'll be glad to have it

1 here for the record.

2 MS. VANETIK: Okay. I and a lot of my
3 neighbors have a lot of concerns about this.

4 Thank you very much for hearing me.

5 MR. ARTURI: Thank you.

6 MR. MAROTTA: Have a good night.

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

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4 MR. VALLEJO: All right. Next
5 application on tonight's agenda 731-733 30th
6 Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Good evening, Mr.
8 Chairman, counsel, Members of the Board, Bianca
9 Pereiras on behalf of the applicant. This is an
10 application that is continued from last month;
11 however, I did send in a letter to Mr. Vallejo
12 earlier today. Our client is unavailable and he
13 was hoping for the opportunity to address the
14 Board. As such, I'm respectfully requesting that
15 this matter be carried until March 9th.

16 CHAIRPERSON GRULLON: Yes. Ms.
17 Pereiras, you are aware this matter has been in
18 front of the Board since November?

19 MS. PEREIRAS: Yes.

20 CHAIRPERSON GRULLON: You have to waive
21 the statutory rights on this matter.

22 MS. PEREIRAS: Of course.

23 CHAIRPERSON GRULLON: Are you willing to
24 waive the rights?

25 MS. PEREIRAS: Of course I am, thank

1 you.

2 CHAIRPERSON GRULLON: And, in this case,
3 we'll have to renotece again.

4 MR. ARTURI: Renotece for this one?

5 MR. MAROTTA: You have to, it's the
6 fourth time.

7 MR. ARTURI: The first time, it wasn't
8 our -- it was the Board's request for the
9 adjournment.

10 MR. MAROTTA: It's the third time. It's
11 from November.

12 MS. PEREIRAS: I understand, Counsel.
13 It's an expense for the client that I was hoping
14 to avoid.

15 CHAIRPERSON GRULLON: This is a
16 condition that the Board has, to waive the
17 statutory time limits and also to renotece.

18 MS. PEREIRAS: The only remaining
19 question that I have is we already presented
20 testimony at the last meeting. Is the Board then
21 looking to rehear all testimony on that
22 application? Because it was really just limited
23 to the applicant's testimony.

24 CHAIRPERSON GRULLON: No, because we
25 heard the testimony.

1 MS. PEREIRAS: My only concern is if
2 we're renoticing and then giving the opportunity
3 for additional people to come out --

4 CHAIRPERSON GRULLON: You're going to
5 give the opportunity of any resident that are not
6 here, present, to be aware this matter will be
7 carried for the next Board meeting.

8 MR. MAROTTA: And then they would have
9 the opportunity to review the transcript, if they
10 wish.

11 MS. PEREIRAS: Okay. If that's fine
12 with the Board, we'll proceed in that manner.

13 MR. MAROTTA: More so, I feel for your
14 office that they have go to through the practice
15 again.

16 MS. PEREIRAS: It's so much fun.

17 MR. MAROTTA: Thank you.

18 MS. PEREIRAS: Thank you.

19 CHAIRPERSON GRULLON: With those
20 conditions, I make the motion to carry this matter
21 to March 9th.

22 MR. VALLEJO: Motion to carry this
23 application to March 9th, new notice required, by
24 Mr. Grullon.

25 CHAIRPERSON GRULLON: And waiver of the

1 time.

2 MR. VALLEJO: Any second on the motion?

3 MS. PEREZ: Second.

4 MR. VALLEJO: Roll call on the motion.

5 Mr. Grullon.

6 CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Mr. Ortiz.

8 MR. ORTIZ: Yes.

9 MR. VALLEJO: Ms. Pena.

10 MS. PENA: Yes.

11 MR. VALLEJO: Ms. Perez.

12 MS. PEREZ: Yes.

13 MR. VALLEJO: Ms. Watley.

14 MS. WATLEY: Yes.

15 MR. VALLEJO: Five in favor, motion

16 carries.

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1 **38 REALTY, LLC -**

2 **611 38TH STREET:**

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4 MR. VALLEJO: 38 Realty, LLC.

5 MS. PEREIRAS: Again, Bianca Pereiras on
6 behalf of the applicant, 38 Realty, LLC, for
7 property at 711 38th Street, also known as Lot 55
8 in Block 260.

9 If the Board may recall, we were here
10 last month when we presented an application to
11 construct addition and legalize a second unit in
12 an existing one family. The Board had some
13 comments of that, so did some of the neighbors, so
14 we went back to the drawing and picked up all
15 those changes that the Board and the public
16 requested. So I have one expert to testify before
17 the Board so that he can walk us through those
18 changes from last month. Mr. Pereiras.

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

22
23 MR. PEREIRAS: Manny Pereiras --

24 MR. MAROTTA: Manny, give us one second.
25

1 (Discussion held off the record.)

2

3 MR. PEREIRAS: Manny Pereira,
4 P-E-R-E-I-R-A-S, with Pereira Architects
5 Ubiquitous, 1116 Summit Avenue in Union City.

6 Hello, Mr. Chairman, Counsel, Board
7 Members.

8 MS. PEREIRAS: Just for clarity on the
9 record, Mr. Pereira had testified at the last
10 meeting and at that point he was already
11 recognized as an expert in the field of
12 architecture.

13 Mr. Pereira, if you can kindly walk us
14 through the changes that you propose on this
15 application.

16 MR. PEREIRAS: I'd be very happy to.
17 Just to remind the Board, we have a typical 25 by
18 100 lot, there's a two-family house there, there's
19 a legalized -- there is a multiunit house there.
20 We're looking to make this into a two-family
21 house.

22 When we came before the Board before, we
23 had several variances. What we did is basically
24 we took all of those away. The only variance that
25 remains is parking and that was actually as a

1 suggestion of the neighbors. Originally, we had
2 parking in front of the house, we were tearing the
3 front of the house out and providing two parking
4 spaces. Neighbors did not want that additional
5 parking there and we listened to the neighbors, we
6 listened to the Board and we removed that.

7 So we're keeping the front porch that
8 the house currently has and keeping the front of
9 the house exactly how it is. Originally, we also
10 had a rear yard setback variance. We were going
11 into that rear yard. We're compliant fully with
12 the ordinance, we're 20 feet back now, which -- so
13 we eliminated that variance.

14 In addition, our addition, we made sure
15 we complied with side yard setbacks there as well.
16 So we created two foot side yard setback on one
17 side and a 3 foot 1 side yard setback on the
18 other. So, basically, we listened to what the
19 Board wanted, we listened to the neighbors and we
20 created basically a house that fits the mold that
21 you asked for.

22 Just to walk you through, it did make
23 some changes to the plan because now the house is
24 configured differently, but it's a very simple
25 design. You keep the existing front porch, you

1 enter into a vestibule. That vestibule, if you
2 take a left, you're in the living room, dining
3 room, kitchen area and then you have the three
4 bedrooms in the back.

5 And if you go up the stairs, you're
6 entering into the same space, with the three
7 bedrooms in the back. And that's pretty much it.
8 I'll keep it short and simple. That's the end of
9 my presentation. I'm open for questions.

10 CHAIRPERSON GRULLON: Mr. Pereiras, I
11 know there was some Board Members that were not
12 present when you presented the application, you
13 might need to extend your testimony a little bit
14 more to cover and make them aware.

15 MR. PEREIRAS: I'll be happy to do that.
16 So we are first and foremost correcting a
17 significant problem on this site. The applicant
18 purchased this property and discovered there were
19 multiple illegal units in it, but more dangerous
20 than that is that this entire structure in the
21 rear is actually very dangerously built, okay.

22 I examined the property and I
23 recommended to the client that he has to tear this
24 structure down. So as part of our application, we
25 are tearing down that entire rear structure. In

1 the front existing building, it's a beautiful nice
2 old Union City character house, and we're keeping
3 that intact, as it is, as the shell and we're
4 simply doing an addition to the rear to make it
5 fit with the standards, so a typical family can
6 live there.

7 And we're legalize this as a two-unit
8 house as is requested of the neighborhood. So
9 we're proposing a two-family house. And it's very
10 simple, one family on one floor, a second family
11 on the other floor, and conforming as much as we
12 can.

13 We have several existing nonconformities
14 and that's just a function of the existing house.
15 The existing house, if you notice, is very close
16 to the side yard property line. It's actually one
17 foot one inch away from one side and two foot
18 eight inches away on the other. And in the front
19 yard, the main house is 11 feet 7 inches away and
20 the porch is about 6 feet 10 inches away. So
21 these are all preexisting nonconformities and, of
22 course, parking is a again preexisting
23 nonconformity. Parking actually is an expansion
24 of a nonconforming because two parking spaces were
25 required previously, four parking spaces are

1 required now. We cannot meet any of those parking
2 spaces. We tried proposing two parking spaces in
3 the front of the house, neighborhood didn't want
4 it. So we listened to the neighborhood and
5 removed that from our application. And therefore
6 it's a variance before this Board.

7 Just make sure I have -- I think we have
8 a couple more -- no, there are no other variances
9 other than that. We are conforming with lot
10 width, lot depth, front yard, rear yard side
11 yards, except for the existing nonconforming. We
12 are in conformance in height with a two-story
13 building, 28 feet in height. Our coverage is at
14 52 percent where 65 is allowed. And our maximum
15 lot coverage used to be a variance and we're
16 removing that variance as well because it was up
17 over 90 percent and now we're meeting it at
18 90 percent. And I think that covered everything
19 there.

20 CHAIRPERSON GRULLON: Mr. Pereiras,
21 could you explain again the side yard?

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

23 CHAIRPERSON GRULLON: The changes that
24 you made, because you mentioned you are in
25 compliance with the rear yard. Can you go over

1 the side yard?

2 MR. PEREIRAS: I'll be happy to. Well,
3 as in contrast to our previous application, we
4 were taking the same footprint of the house and
5 extending back. Therefore, we were not meeting
6 the side yard requirements. We're changing that
7 in this application that you see before you. We
8 stepped our building in to be in conformance with
9 the code, two feet on one side, three feet one
10 inches on the other side. Our rear yard is
11 setback 20 feet from the rear property line, so
12 that we have an adequate backyard for the two
13 families that are here. And that is fully in
14 compliance with the ordinance as well.

15 CHAIRPERSON GRULLON: You know how
16 important that is. You know, we just had a fire
17 yesterday that destroyed an entire block and that
18 was because of no side yard in between buildings.
19 And that's one of the things we want to stress,
20 that always speak to your clients to make sure
21 that we -- any development that we have, we comply
22 with the side yard because it saves lives, it
23 saves a lot of issues.

24 MR. PEREIRAS: As a local architect, you
25 know, I'm involved --

1 CHAIRPERSON GRULLON: Thank God, there
2 were no tragedies like loss of life in this fire,
3 but there was a lot of families now that have been
4 displaced and have no place to live.

5 MR. PEREIRAS: In the past week, two
6 fires that I had to deal with as an architect
7 professionally. And one of the things I'd like to
8 expand on in this application is that we have
9 these older two-family structures or older
10 structures. And when we have an application
11 before this Board, it not only allows us to do
12 these additions, but it also allows us the
13 opportunity to bring things up to code. And code
14 today, fires have a hard time working on buildings
15 of code today.

16 We're going to have a fire separation in
17 those adjacent walls, even in the old structure.
18 So it's a significant betterment for the entire
19 neighborhood when an application like this gets
20 approved, particularly because of fire safety.

21 CHAIRPERSON GRULLON: Sure. I mean that
22 was going to be my next question is what will you
23 be doing for safety in the building. And you just
24 answered my question, thank you, Mr. Pereiras.

25 I don't have any other questions. Any

1 Member of the Board have any questions? Do you
2 have any other testimony?

3 MS. PEREIRAS: We do not.

4 CHAIRPERSON GRULLON: I just want to add
5 for the Board Members that were not present, we
6 had members of the public last time and they were
7 concerned about the parking, the proposed parking
8 spaces. You know, doing a curb cut in front of
9 the residential building that is in front, that
10 would have to make the turn right there and part
11 of the concern that we have as a Board here is
12 very close to the traffic light on Kennedy
13 Boulevard. And it was going to be, you know,
14 backing up traffic all the time in order for to
15 maneuvers going into the parking space or getting
16 out of the parking space. It was going to be sort
17 of a dangerous situation. We didn't want that,
18 that's the reason. You know how bad parking is
19 for us, but in this case, it was our request, it
20 was the residents' requests.

21 And, again, I want to thank the
22 applicant for hearing the residents and hearing
23 the Board. That's what we're here to hear from
24 the residents. And, you know, just want to thank
25 you for taking that into consideration.

1 If you don't have any other
2 professionals, I want to open this to the public.
3 Any member of public want to step forward?

4 MS. RIVERA: I'd just like to say --
5 Anna Rivera, 620 38th. I just want to thank you
6 guys for listening to the neighborhood, we greatly
7 appreciate it.

8 MS. PEREIRAS: Thank you.

9 CHAIRPERSON GRULLON: Thank you. With
10 that, I make a motion to grant this application.

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

13 MS. PEREZ: Second.

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

16 CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Mr. Ortiz.

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Five in favor, motion

1 carries.

2 MS. PEREIRAS: Thank you all very much.

3 CHAIRPERSON GRULLON: One minute. Off
4 the record.

5 MR. VALLEJO: Two minute break.

6 * * * *

7

8 (Whereupon a short recess was taken.)

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1 **1616 KENNEDY BLVD, LLC -**

2 **1616 KENNEDY BLVD.:**

3
4 MR. VALLEJO: Back on the record. Next
5 application on tonight's agenda, 1616 Kennedy
6 Boulevard, LLC. Ms. Pereiras, please.

7 MS. PEREIRAS: Yes. Again, Bianca
8 Pereiras on behalf of the applicant for 1616
9 Kennedy Boulevard, also known as Lot 12 in Block
10 82. I previously submitted my jurisdictional
11 submission to counsel for his review and approval.

12 MR. MAROTTA: There is jurisdiction.

13 MS. PEREIRAS: Thank you, Counsel.

14 The application before the Board this
15 evening is to legalize two units in an existing
16 currently three-family home. This is a property
17 located on the corner of Kennedy Boulevard and
18 17th Street and it's an oversized lot with a
19 rather beautiful building. We have two experts to
20 testify before the Board. And I'd like to start
21 the presentation with our architect, Mr. Manuel
22 Pereiras.

23
24 M A N U E L P E R E I R A S, previously sworn:

25

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

3 MS. PEREIRAS: Mr. Pereira, are you
4 familiar with the property at 1616 Kennedy
5 Boulevard?

6 MR. PEREIRAS: Very familiar with it.

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

9 MR. PEREIRAS: Yes, I have.

10 MS. PEREIRAS: Would you kindly describe
11 the project for the Board?

12 MR. PEREIRAS: I'd be very happy to.
13 Again, as Counsel said, we're right on the corner
14 of the Kennedy Boulevard and 17th Street. This is
15 an irregular lot, it is oversized. It has
16 frontage on Kennedy Boulevard, 32.09 feet, it has
17 frontage on 17th Street of 115.91 feet. The side
18 on Kennedy Boulevard has a bit of an angle to it
19 and the rear cuts down in this shape.

20 Right now, for purposes of the record, I
21 am illustrating with sheet Z01, our existing site
22 plan. It is an existing site plan, we're not
23 proposing to make any changes to the building as
24 far as growing it in any way. However, if you
25 were to drive by the site recently, you would

1 notice that there are already significant changes
2 to the building.

3 This was -- it's a beautiful gem of a
4 building in Union City, but it was dilapidated.
5 It needed a lot of tender loving care, the owner
6 purchased this building and has really done a
7 significant amount of work, painting, repairing,
8 replacing roofs, replacing windows. And you've
9 seen that through the structure of the units that
10 were legal. And the purpose that we're here
11 before this Board is because he discovered that
12 units in the basement were illegal. And
13 immediately, as a good landlord and good owner,
14 that's why we're here before this Board to correct
15 this issue and do things correct in front of this
16 Board.

17 Just to talk a little bit about the
18 preexisting nonconformities of the site. That's
19 what they are, because we're not changing the
20 footprint in any way. We are compliant with lot
21 width, we are compliant with lot depth. We exceed
22 lot area by 122 square feet. Our front yard is
23 zero and our steps overlap the property line.
24 This is a preexisting condition and this is
25 typical of that block.

1 The side yards are zero on both sides of
2 the structure. We have zero along 17th Street and
3 there are points where the accessory structure,
4 the garage, is at zero at the rear yard. The
5 building itself is 2.4 feet away from the property
6 line along the south. And those are existing
7 nonconformities.

8 The building height is conforming at
9 three stories and it is an existing nonconformity
10 as far as height. We're at 40.7 feet whereas
11 38 feet are permitted. Our building coverage is
12 at 69 percent, whereas 65 is permitted. Our lot
13 coverage is 98 percent, whereas 90 is permitted.
14 Our rear yard, if you take the measurement to the
15 accessory structure, it is only two foot six, and
16 we're requesting an existing nonconformity there.
17 However, if you take the measurement to the
18 existing building, we are at about 48 feet -- I'm
19 sorry 38 feet 6 inches away from the rear yard.

20 And as far as parking, the proposal that
21 we are creating here would require ten cars,
22 that's an expansion of four cars greater than what
23 the current requirement is. And we're providing
24 four cars. Those are existing cars, so we are
25 expanding on that variance.

1 And, again, we have limited areas within
2 this building, we're not growing the envelope in
3 any way. So we have some undersized units. We
4 have a one bedroom and a two bedroom, I'm going to
5 actually illustrate that when we get to the floor
6 plans. In our floor plans, we see each of the
7 floors illustrated on sheet Z02. The basement,
8 ground floor, first floor, second floor, third
9 floor. The third floor we're calling the attic
10 floor. There is an existing apartment in the
11 attic that's numbered apartment number 3, second
12 floor has apartment number 2, the ground floor has
13 apartment number 1.

14 And what we're here before this Board is
15 for what we're calling the basement apartment,
16 which two apartments, apartment number 4 and
17 apartment number 5. Both of these apartments have
18 their own independent entrance from the exterior,
19 not having to enter into a common hallway.

20 The front apartment which is apartment
21 number 4 enters off of Kennedy Boulevard. There
22 are steps taken down to lead you into a living
23 room area, also a large dining room and kitchen
24 area. And then two bedrooms flanking that have
25 emergency egress windows towards 17th Street.

1 The apartment in the rear also has an
2 entrance from 17th Street, taking it down to a
3 common vestibule where there's a mechanical room.
4 Then you enter the proper apartment where you have
5 a large living room, dining room, kitchen area,
6 bathroom, and then two bedrooms again. The square
7 footages of these apartments are apartment number
8 4 is at 579 square feet and apartment number 5 is
9 at 463 square feet, which is our final (d) (5)
10 variance, which our planner will talk a little bit
11 more in length at that. But we don't meet the
12 area requirements there.

13 This intervention is significant. Not
14 only is this project really fixing the beauty of
15 the outside of the building, it's really a gem of
16 a building in Union City, but it's also bringing
17 the entire building up to code. We are going to
18 have fire separation between all the apartments,
19 all the floors. We're going have a low voltage
20 alarm system within the common areas. We're going
21 have an alarm system within each of the
22 apartments, hard wired. And these two units will
23 have a sprinkler system inside of them. So these
24 two units will be protected from a sprinkler
25 system. And we all know the importance and the

1 safety of that. That concludes my testimony for
2 now and I open it up to questions.

3 CHAIRPERSON GRULLON: You mentioned that
4 you have another witness?

5 MS. PEREIRAS: We do, we have a planner.

6 CHAIRPERSON GRULLON: I'd like to hear
7 from the planner.

8
9 M I C H A E L F. K A U K E R, after having
10 been duly sworn or affirmed, did testify as
11 follows:

12
13 MR. KAUKER: Michael F. Kauker,
14 K-A-U-K-E-R, practice is located at 356 Franklin
15 Avenue in Wyckoff, New Jersey. My license is
16 still valid.

17 CHAIRPERSON GRULLON: Yes, yes. You
18 have been in front of the Board on many occasions.
19 Thank you for coming back.

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

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

22 Mr. Kauker, are you familiar with the
23 property at 1616 Kennedy Boulevard?

24 MR. KAUKER: Yes, I am.

25 MS. PEREIRAS: And have you had an

1 opportunity to review the drawings prepared by
2 Pereiras Architects?

3 MR. KAUKER: I have.

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

6 MR. KAUKER: From a planning
7 perspective, there are too principle variances
8 that are required and have been identified in
9 David Spatz's report, which is dated January 18th.
10 One is a (d) (2) variance for expansion of a
11 nonconforming use. The origin of the
12 nonconforming use was generated a year and a half
13 to two years ago when three-family homes were --
14 the ordinance was amended to determine that they
15 are no longer permitted. So that it gives rise to
16 creating a prior nonconforming condition for that
17 particular aspect of ordinance and places it in a
18 (d) (2) category with the required proofs.

19 The proofs in this instance are somewhat
20 more relaxed because of the existing presence of
21 the structure for many, many years. And the test
22 required in those two principle court cases of
23 Coventry and Randolph Township essentially states
24 that if, in fact, the application is recognized
25 and approved by the Board, that it would -- they

1 would have to determine that the --
2 notwithstanding the grant of that deviation, that
3 the use and the site remains appropriate to
4 accommodate the proposed additional units.

5 In addition, there's a second major
6 variance identified in David's report, which is a
7 (d) (5) density variance, which arises out of the
8 somewhat slightly undersized apartment units now
9 present within the cellar, basement area, which
10 gives rise to the second variance. That
11 particular variance is also embraced under the
12 Coventry and the Randolph Township case.

13 I believe that the Randolph Township and
14 the Coventry case is appropriate because we have a
15 situation where an existing well designed, classic
16 old building is in good shape, but will be made in
17 more conformity with both the ordinances that
18 relate to your Board's jurisdiction, but also
19 improvements to improve and increase the longevity
20 of the five units.

21 The other reason, principle reason
22 logically why the site itself and the building
23 remains appropriate to accommodate and embrace
24 these variances is because essentially we're not
25 touching the site in any way, shape, or form in

1 terms of building expansion. We're utilizing a
2 vacant space in the basement, which effectively
3 has been utilized for that purpose for a few
4 years.

5 The site conforms in all respects to the
6 major, pivotal, important aspects in the fact that
7 the site is oversized. We do have a parking
8 deficiency when you apply the more stringent RSIS
9 standards. We have four parking spaces in the
10 rear of the property, we have a -- three of which
11 are inside of a garage. And essentially the
12 building setback in the rear yard where the
13 parking spaces are accommodated is well beyond the
14 requirement in the ordinance. That essentially
15 concludes my observations and opinion.

16 I believe that this -- these two use
17 variances, the (d) (2) and the (d) (5) can be
18 essentially considered and approved by the Board
19 because essentially you will not notice any
20 difference whatsoever in the character and
21 appearance of the building, as well as its effect
22 on the surrounding area, which, by the way,
23 consists of mixed use. Some residential, which is
24 of a much higher density in the immediate
25 neighborhood, as well as a mix of two- and

1 three-story homes.

2 So in that context, I feel comfortable
3 in representing to this Board that this
4 application can be approved without any negative
5 impact on the purpose and intent of the zone plan.
6 And essentially I think it serves the general
7 welfare by virtue of stabilizing the housing
8 appearance and mix in this particular
9 neighborhood. Thank you very much.

10 CHAIRPERSON GRULLON: Thank you, Mr.
11 Kauker. Mr. Kauker, I want to start by asking you
12 with the (d) (2) variance that has been requested,
13 where five-family is not permitted in the area, is
14 that a preexisting condition or that's a proposed
15 additional apartments that the applicant is --

16 MR. KAUKER: Technically and legally,
17 the addition of the two units represents a
18 expansion of a nonconforming use. And being the
19 base of existing units rented as such,
20 nonconforming by the prior amendment and ordinance
21 two years ago. So the addition of the units, in
22 fact, in terms of the habitable space in the
23 structure has been increased. And our point and
24 plea to the Board is that it can be well
25 accommodated within the vacant spaces in the

1 basement, without undue impact on the appearance
2 of the building and the prior function of the
3 building.

4 CHAIRPERSON GRULLON: Mr. Spatz, for
5 that area, what is permitted there?

6 MR. SPATZ: It's a two-family zone.

7 CHAIRPERSON GRULLON: Two-family zone.

8 MR. SPATZ: Right, but it was
9 preexisting as a three-family and I believe the
10 two units already exist in the basement. So it's
11 been a five-unit building, they're just legalizing
12 those two basement apartments.

13 CHAIRPERSON GRULLON: According to the
14 memo from the department, it was a three-family.

15 MR. SPATZ: Right.

16 CHAIRPERSON GRULLON: Residence.

17 MR. SPATZ: Correct, which was permitted
18 at the time, within the last two years is no
19 longer permitted, which is why the variance is as
20 it is. But I understand that the units themselves
21 are preexisting in the structure and they're just
22 legalizing them.

23 CHAIRPERSON GRULLON: Thank you, Mr.
24 Spatz.

25 MR. MAROTTA: I'm sorry.

1 CHAIRPERSON GRULLON: You want to expand
2 on the (d) (2) variance?

3 MR. MAROTTA: I'm just looking at the
4 report, it doesn't mention that the two units were
5 already in existence, I believe, maybe I missed
6 that.

7 MR. SPATZ: It says to legalize two
8 existing apartments in the basement of the
9 building.

10 MR. PEREIRAS: So very often when we
11 have a project --

12 MR. MAROTTA: Give me one second.

13 So it's your understanding that the 463
14 and the 579 square foot units were already in
15 existence?

16 MR. SPATZ: That was how the application
17 was submitted, as legalizing two existing basement
18 apartments. The building department doesn't have
19 them on record.

20 MR. MAROTTA: Because they're illegal.

21 MR. SPATZ: Exactly.

22 CHAIRPERSON GRULLON: And that, that's
23 the (d) (5) variance request, you have the size of
24 the units.

25 MR. KAUKER: That is correct.

1 CHAIRPERSON GRULLON: You mentioned in
2 your testimony that it was a slight difference in
3 what is required?

4 MR. KAUKER: Yes. It appears that the
5 differential, as identified in David's report, is
6 not substantial, 750 square feet is the standard,
7 we have 463 which is close to 500 square feet,
8 which is reasonable.

9 CHAIRPERSON GRULLON: But that's more
10 than 20 percent.

11 MR. KAUKER: Right. Indeed, it's
12 reasonable for a one-bedroom unit, particularly
13 the way it lays out.

14 CHAIRPERSON GRULLON: I agree with that
15 for a one bedroom unit.

16 MR. KAUKER: And the other square
17 footage is 579, which approaches 600 square feet
18 as compared to the 650. So notwithstanding the
19 deviation, the units are really workable and
20 they're certainly habitable and meet all other
21 building standards as testified to by Manny.

22 MR. MAROTTA: Mr. Kauker, do you believe
23 that a nine square foot bedroom is appropriate?

24 MR. KAUKER: Yes, I do.

25 MR. SPATZ: If they were to have both

1 units become one bedroom units, one of them, the
2 larger of the two would actually become conforming
3 because a one bedroom requires 550 square feet.
4 And the other one would then be, I think, slightly
5 less than --

6 MR. MAROTTA: Slightly less.

7 MR. SPATZ: So that would be something
8 that they could do is make them both one bedroom
9 apartments, I think that would be much more
10 reasonable.

11 CHAIRPERSON GRULLON: Thank you, Mr.
12 Kauker.

13 Mr. Pereiras, with the side yard, could
14 you just -- I know there are preexisting
15 conditions, but could you explain the location of
16 the building and what they have on the south side
17 and what they have on the north side?

18 MR. PEREIRAS: I'll be very happy to and
19 talk a little bit about fire safety also with
20 this. And to best illustrate this, I'm going to
21 go to the site. In the site plan, we see
22 obviously that we're on 17th Street, so there's
23 the ability to fight a fire anywhere across there
24 and on Kennedy Boulevard. The building proper is
25 actually set back 2.4 feet in the rear. And it

1 opens up significant more, about 4 feet in the
2 front of the property. As well as the adjacent
3 structure to the south is another two feet almost,
4 it's like -- I'd say it's about a foot and a half
5 off as well. So there's a significant space and
6 you could walk -- fire department could walk
7 through, that's not a problem whatsoever.

8 The garage in the back is on the
9 property line, so is the garage with the neighbor,
10 and so is the next property is two foot six away.
11 However, these are small structures, contained
12 masonry. It's also in a safe condition as well.
13 So as you can see there's room all around this
14 building. It's actually a very rare condition in
15 Union City, but you can access this from all fours
16 sides.

17 CHAIRPERSON GRULLON: On the proposed
18 plans, you'll be addressing any fire safety, like
19 fire walls?

20 MR. PEREIRAS: Absolutely. So normally
21 this Board sees drawings and applications when
22 there's violations issued because then owners are
23 alerted and they come to us and we come here.
24 This is not the case in the project, which is why
25 the building department has no source or

1 understanding that there were units down there
2 because the owner took it upon him as a good owner
3 to come before this Board and legalize those two
4 apartments down there.

5 So we're in the process of legalizing
6 those two units first and foremost, which I think
7 the most significant is that we're sprinklering
8 that level. So that level is going to be
9 protected with a domestic line sprinkler system.
10 So that's a huge improvement in and of itself.

11 Then the ceiling of that space is going
12 to be separated with a two-hour fire separation
13 from the rest of the building, as well as alarms
14 and everything else. However, the owner is also a
15 firefighter and he actually took it to another
16 level. So we're already renovating the floors
17 above, he has stuffed those walls with fire
18 saving. It is a well built, well protected
19 building beyond the scope of what he had to do.
20 He went above and beyond in the floors above. I'm
21 sure he's going to do the same on this level.

22 MR. MAROTTA: Mr. Pereiras, the fourth
23 parking space, that would be between the garage
24 and the house?

25 MR. PEREIRAS: Correct. And that is an

1 existing condition.

2 MR. MAROTTA: Well, I don't see a curb
3 cut.

4 MR. PEREIRAS: Yes, the curb cut is from
5 here to here. And it's illustrated on the plans
6 and it is in front of that space as well.

7 MR. MAROTTA: I'm looking at a -- I'm
8 sorry, a Google map and it shows a car with a
9 parking space across that with no curb cut. So
10 the -- I mean this could be wrong, obviously.

11 MR. PEREIRAS: There's a curb cut there.
12 I think that there's a car that often parks there,
13 but I don't think it's --

14 MR. MAROTTA: It's a --

15 MR. PEREIRAS: It's a depressed curb.

16 MR. MAROTTA: It's a legal spot
17 according to the City. But anyway, my question is
18 the distance from the iron grate to the garage?

19 MR. PEREIRAS: The iron -- the stair
20 grate?

21 MR. MAROTTA: Yes.

22 MR. PEREIRAS: That's a three foot
23 stair.

24 MR. MAROTTA: The distance from that to
25 the garage?

1 MR. PEREIRAS: That to the garage? I
2 don't have the dimension there, but if I scale it,
3 it's about nine and a half feet.

4 MR. MAROTTA: Okay. That's my --

5 MR. PEREIRAS: It is sufficient for a
6 parking space. And just for purposes of clarity,
7 if there's any speculation as to whether this is
8 legal or not, I ask that that be included in our
9 application today, that that would be a legalized
10 and recognized parking spaces. It is conforming
11 in every way, it is 9 feet wide by 18 feet in
12 depth. And there's no reason not to grant that
13 especially in this application.

14 MR. MAROTTA: I just want to know if
15 there was at least you know --

16 MR. PEREIRAS: It clarifies things.

17 CHAIRPERSON GRULLON: Are you proposing
18 anything for the facade of the building?

19 MR. PEREIRAS: So they're already fixing
20 the facade. If you drive by, it's actually a
21 pleasure. They brick pointed the entire building,
22 they painted it into a light color, which is
23 beautiful. They're fixing all the molding,
24 they're replacing all the windows. The roof is
25 the next step. It is actually really gorgeous and

1 very well done.

2 MR. MAROTTA: I do have a question for
3 Mr. Kauker again.

4 MS. PEREIRAS: Sure. Mr. Kauker.

5 MR. MAROTTA: Mr. Kauker, you stated
6 there's no effect on the surrounding area,
7 correct?

8 MR. KAUKER: Yes, sir.

9 MR. MAROTTA: Wouldn't you -- the
10 density itself, wouldn't that add to be an effect
11 on the surrounding area? If you're going from a
12 legal three-family going to a -- well, a
13 nonconforming three-family --

14 MR. KAUKER: Only to the --

15 MR. MAROTTA: -- to add two more parking
16 spaces per unit?

17 MR. KAUKER: It would, only to the
18 extent there are more people inhabiting the
19 building.

20 MR. MAROTTA: Well, they have cars, too,
21 right?

22 MR. KAUKER: But from the interest of
23 the individuals in the surrounding area in terms
24 of the integrity of the zone, it remains the same
25 because the building itself is not changing in any

1 way.

2 MR. MAROTTA: But there will be more
3 required parking with two bedrooms as opposed to
4 one --

5 MR. KAUKER: More activity and could be
6 slight increase in the demand for parking
7 off-site, that's certainly a possibility.

8 MR. MAROTTA: So you're adding -- if
9 you're adding from a three -- I have to look --
10 three bedrooms as well upstairs, right? Just
11 you're going from the -- you're adding four
12 additional parking spaces required as opposed to
13 if they were one-bedrooms, it would be one each,
14 correct?

15 MR. KAUKER: Yes. Being mindful that
16 the RSIS is much more stringent than the City's
17 ordinance.

18 MR. MAROTTA: And you are familiar with
19 the need for parking in Union City?

20 MR. KAUKER: Absolutely.

21 MR. MAROTTA: So wouldn't that be more
22 than no impact, it would be at least a slight, if
23 not greater, impact?

24 MR. KAUKER: As with all activity
25 development, it's a meaningful impact. But I

1 don't think one that rises to the level of
2 creating a substantial impact. And I think that's
3 the key word in the ordinance, as we're all well
4 aware.

5 MR. MAROTTA: So if we're adding four,
6 we're adding a 40 percent increase, that's not a
7 substantial impact, 40 percent?

8 MR. KAUKER: No. Because the existing
9 activity in the building has been tolerated within
10 the neighborhood. And the adjustments essentially
11 have been made, but for the advent and the
12 presence of the ten-unit requirement, which is
13 admittedly before the Board. I don't think that
14 that changes the existing conditions in the
15 neighborhood. As well as the fact that I think
16 the demand for parking as generated by the two
17 units, which are extremely small in nature, is not
18 substantial.

19 MR. MAROTTA: Well, you don't go based
20 on the size of the bedroom unit, right, the room
21 itself.

22 MR. KAUKER: The number of bedrooms.

23 MR. MAROTTA: You go based on the
24 number.

25 MR. KAUKER: I would go by the number of

1 bedrooms.

2 MR. MAROTTA: So, okay.

3 MR. PEREIRAS: Mr. Chairman, if I may?
4 I'm reading the tea leaves a little bit, okay.
5 And just to say that the impact on the
6 neighborhood is a preexisting impact because these
7 have been illegal units, so the neighborhood has
8 really absorbed these units and they've been like
9 that.

10 However, to the concept of density and
11 to the concept of parking, we understand that a
12 one-bedroom is significantly different than a
13 two-bedroom unit. And so we propose to this
14 Board, if you accept our proposal, to take the
15 unit that's 463 square feet and change that to a
16 one-bedroom. And, therefore, I think it would be
17 a lot closer in compliance. And we ask that you
18 consider that.

19 CHAIRPERSON GRULLON: I was going to ask
20 you to make both units -- because you have one
21 unit in compliance, to make it both in the
22 basement to be one bedroom units. I think that
23 would be more in compliance for parking purposes
24 and also for the (d) (5) variance that is being
25 requested. If you can speak to your client and

1 see if that's something that he will consider,
2 that's our request from the Board.

3 MR. PEREIRAS: If I could have
4 three minutes to speak to our client, we'll get
5 back to you.

6 CHAIRPERSON GRULLON: Yes.

7
8 (Whereupon a short recess was taken.)

9
10 MR. VALLEJO: Back on the record.

11 CHAIRPERSON GRULLON: Mr. Pereiras.

12 MR. PEREIRAS: We were able to consult
13 with our client and he is happy to -- slightly
14 begrudgingly -- but he's very happy to accommodate
15 the Board and make these both one-bedroom units.
16 I think we can make that a very simple change.
17 One of the bedrooms, we will eliminate the walls
18 to it and we'll be very happy to do that.

19 CHAIRPERSON GRULLON: Make the necessary
20 adjustments and make it look more in compliance,
21 you know, and we appreciate it.

22 MS. PEREIRAS: So you'll be taking off
23 the walls and --

24 MR. PEREIRAS: Just to be clear and
25 we'll present this to your planner, Mr. Spatz, and

1 you'll approve it based on what we do. We'll
2 remove this wall completely, so that it's part of
3 the living room space and the entry space. And on
4 this end, it's a different configuration, we need
5 to keep this wall. So what we'll do is we'll
6 remove this wall here and that way it's open to --
7 becomes a nice living room.

8 MR. MAROTTA: Mr. Spatz, any other
9 comments?

10 MR. SPATZ: No, I think that addresses
11 the concerns that I've heard from the Board. If
12 the Board were to give this a conditional
13 approval, we'll review that before the resolution
14 adoption.

15 MR. MAROTTA: Okay.

16 CHAIRPERSON GRULLON: Do you have any
17 other witnesses?

18 MS. PEREIRAS: We do not, Mr. Grullon.

19 CHAIRPERSON GRULLON: That concludes
20 your testimony?

21 MS. PEREIRAS: Yes.

22 CHAIRPERSON GRULLON: Any Members of the
23 Board have any questions? At this time, I want to
24 open to the public. Any member of the public want
25 to step forward on this application? Hearing

1 none, taking in consideration that this
2 application is going to bring the building up to
3 codes and make renovations, it's going to improve
4 the visual impact in the area, I will make the
5 motion to grant the application with the request
6 from three units to five units.

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

10 CHAIRPERSON GRULLON: With revised
11 plans.

12 MR. PEREIRAS: And include the driveway.

13 MS. PEREZ: I second, with the
14 revisions.

15 MR. VALLEJO: Seconded by Ms. Perez.
16 Roll call on the motion.

17 Mr. Grullon.

18 CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Mr. Ortiz.

20 MR. ORTIZ: Yes.

21 MR. VALLEJO: Ms. Pena.

22 MS. PENA: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Ms. Watley.

1 MS. WATLEY: Yes.

2 MR. VALLEJO: Five in favor, motion
3 carries. Revised plans required at least ten days
4 before the next hearing date.

5 MS. PEREIRAS: Sure. Thank you all very
6 much.

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1 **MOHAMMED ABU ALI -**
2 **133 19TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Mohammed Abu Ali, 133 19th
6 Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Thank you. Bianca
8 Pereiras on behalf of the applicant for property
9 at 133 19th Street, also known as Lot 17 in Block
10 178.

11 I did submit my jurisdiction submissions
12 to Counsel for review and approval.

13 MR. MAROTTA: And there is jurisdiction
14 of the Board, everything is in order.

15 MS. PEREIRAS: Thank you very much,
16 counsel. The application before the Board this
17 evening is to legalize residential units on the
18 second floor of this building. This building has
19 operated as a mixed use structure for several
20 years. And my client's own family history,
21 they've owned the property since 1996, where they
22 operated a deli on the ground floor and had two
23 apartments on the second floor.

24 The application here is to legalize
25 those units on the second floor. We have two

1 experts to testify. I'd like to begin with our
2 architect, Mr. Manuel Pereiras.

3

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

5

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

8 MS. PEREIRAS: Mr. Pereiras, are you
9 familiar with 133 19th Street?

10 A I am. When I started working as an
11 architect, the office was a block away. I was
12 16 years old and I would have my breakfast
13 sandwiches there every single morning. I am very
14 familiar with this building.

15 MS. PENA: The best.

16 MR. MAROTTA: Really?

17 MS. PENA: They're really good.

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

21 MR. PEREIRAS: I have.

22 MS. PEREIRAS: And would you kindly
23 describe the proposal or legalization for the
24 Board?

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

1 Again, this is one of those situations where
2 simply the records at City hall don't match what
3 reality is. And we're here to correct that and
4 make that right. We're not proposing any changes
5 to this building whatsoever other than
6 legalization from the Board perspective.

7 We have an existing site of 75 feet in
8 depth and 25.84 feet in width. The rear of the
9 site is on Cliff Street and you have parking there
10 for three cars, existing, no changes to that
11 either. And then we have a small two-story frame
12 house. You can see in the photograph it has a
13 deli on the ground floor and it has two apartments
14 on the second floor. That's going to remain
15 exactly the way it is now.

16 We have a series of existing
17 nonconformities, nonconformity of course is the
18 lot depth, we're at 75, 100 is required. Front
19 yard, we're at zero. The rear yard, we're
20 compliant because we're at 34 feet, whereas 20 is
21 required. Side yards are zero on both sides, so
22 that's an existing nonconformity as well. We're
23 compliant in height, we're compliant in height by
24 feet and stories. We are compliant in maximum
25 building coverage and we are not compliant in

1 maximum lot coverage. We're seeking an existing
2 nonconformity there as well. And parking, we are
3 slightly shy. Counting the parking that's
4 required by the commercial space and the two
5 apartments, we have a count of six cars and we are
6 only providing three, which is existing.
7 Therefore, that's an expansion of that
8 nonconformity.

9 Turning now to sheet Z02, we can see the
10 ground floor commercial space, three cars in the
11 back. And what's in question here, which is the
12 second floor and those are the two apartments.
13 You take the stair that's accessed from the rear
14 of the property to a small vestibule. You have an
15 apartment on one side and an apartment on the
16 other. They're both one bedroom apartments.
17 Apartment number 1 is 549 square feet, apartment
18 number 2 is 479 square feet. And, again, we're
19 not looking to make any modifications. There are
20 existing families living in these units, they've
21 lived there for many years. We don't want to
22 disturb them. We're simply legalizing this before
23 this Board.

24 The changes from a code perspective are
25 very minimal, so there's a very minimal intrusion

1 in there. We're really treating this under the
2 Uniform Construction Code as what's considered a
3 preexisting nonconforming structure. It's in
4 subchapter 5, 6-2.3(f) and that's considered a
5 preexisting nonconforming structure and that's how
6 we're presenting the application today.

7 MS. PEREIRAS: Mr. Pereiras, we're not
8 adding to the footprint in any way and we're not
9 adding to the height of the building at all,
10 correct?

11 MR. PEREIRAS: We are not.

12 MR. MAROTTA: The parking, is that for
13 the commercial use?

14 MR. PEREIRAS: I think it's owner
15 occupied, so it's --

16 MR. MAROTTA: So the owner's in one of
17 the units?

18 AUDIENCE MEMBER: I left.

19 MR. PEREIRAS: He just recently left, so
20 that's actually -- I'm not sure.

21 MS. PEREIRAS: The parking spots are
22 operated by the units upstairs. This is a small
23 local deli.

24 MR. MAROTTA: So the residential uses
25 the parking?

1 MS. PEREIRAS: Correct.

2 MR. MAROTTA: Not the commercial?

3 MS. PEREIRAS: Correct.

4 CHAIRPERSON GRULLON: Mr. Pereiras, you
5 mentioned this is an existing condition. For how
6 long have they had the deli there?

7 MR. PEREIRAS: I'm 44 years now and I
8 was 16 years old when I went there.

9 CHAIRPERSON GRULLON: And it was there
10 already?

11 MR. PEREIRAS: It was definitely there
12 and I think it was there for many years before
13 that.

14 MS. PEREIRAS: The deli was actually
15 operated by my client's father-in-law previously.
16 And he operated in 1996. And when he opened it in
17 1996, it was already an existing delicatessen at
18 that time.

19 CHAIRPERSON GRULLON: The request is for
20 the Board to legalize the commercial use?

21 MR. PEREIRAS: No the apartments.

22 CHAIRPERSON GRULLON: The apartments.
23 And you get a chance to visit the apartments?

24 MR. PEREIRAS: I have, I did. They're
25 definitely dated, these are preexisting

1 nonconforming units.

2 CHAIRPERSON GRULLON: I don't have
3 anymore questions. Do you have any questions?
4 Any Member of the Board have any questions? Do
5 you have any other witnesses?

6 MS. PEREIRAS: We do have a planner to
7 testify. Mr. Kauker.

8 MR. KAUKER: Good evening.

9 CHAIRPERSON GRULLON: Good evening, Mr.
10 Kauker again.

11
12 M I C H A E L F. K A U K E R, previously
13 sworn:

14
15 MS. PEREIRAS: Mr. Kauker, are you
16 familiar with 133 19th Street?

17 MR. KAUKER: That's correct.

18 MS. PEREIRAS: Can you please describe
19 the proposal for the Board and if you could
20 classify the variances that are requested?

21 MR. KAUKER: The (d) (1) variance arises
22 out of the fact that we are in an R district and
23 retail commercial facilities are not permitted in
24 the R district. So that the deli, which has
25 existed for at least 29 years, if you cut back to

1 1994, when the predecessor of our client owned or
2 bought the building, it's been there for quite
3 some time. And it represents, I think, a
4 functional, successful example of a small corner
5 deli, kind of a commercial service, isolated, but
6 nonetheless very important to this solid
7 residential neighborhood.

8 And in that context, I believe that this
9 site as it's currently constituted is particularly
10 suited to accommodate the use variance that we
11 request for that particular deli. The site is, in
12 fact, in my view and opinion, particularly suited
13 for the proposed use because of the presence of an
14 existing building, which can adequately
15 accommodate the additional dwelling unit on the
16 second floor. This is an adaptive reuse of
17 existing space, which effectively is in conformity
18 with the ordinance. And because of the influence
19 of surrounding uses which is that solid
20 residential neighborhood, but for the continued
21 existence of the retail service use, the deli, the
22 neighborhood certainly remains as it has been for
23 quite some time. This would contribute somewhat
24 and very slightly to additional housing
25 opportunities and provide movement toward a

1 balance of housing within the City of Union City.

2 We reconcile this (d) (1) use variance
3 with the last April 2021 master plan update
4 re-examination report, which has a restatement of
5 the 2019 and carried forward the goals and
6 objectives to the 2021 report prepared by Susan
7 Gruel.

8 There are a few of the nine objectives
9 and purposes of this update. One is to preserve
10 the established residential character of Union
11 City, while simultaneously taking into
12 consideration mechanisms that promote economic
13 growth and development. Two, to encourage in-fill
14 development and compact design that efficiently
15 utilizes the City's land. I think this particular
16 mixed use, limited mixed use opportunity and
17 example, fits that particular objective.

18 To promote and provide for housing
19 opportunities that support and serve the needs of
20 the residents. Certainly, there's a need for
21 small scale apartment units in this section of the
22 City.

23 That essentially covers the particular
24 aspects of the 2021 plan which I feel supports --
25 further supports the negative criteria and the

1 burden of proof under Medici, requiring us to
2 reconcile this deviation from permitted uses in
3 the form of a (d)(1) without substantial impact on
4 the surrounding area or a substantial impact on
5 the intent and purposes of the zone plan. That
6 concludes my comments and opinion.

7 CHAIRPERSON GRULLON: Thank you, Mr.
8 Kauker. Mr. Kauker, you mentioned a document that
9 was prepared by Susan Gruel?

10 MR. KAUKER: Yes.

11 CHAIRPERSON GRULLON: A document that
12 was prepared by Susan Gruel, was that the tax
13 record that --

14 MR. MAROTTA: No. What was the document
15 prepared by Susan Gruel?

16 MR. KAUKER: Are you talking about the
17 master plan?

18 MR. SPATZ: It's the master plan that
19 was updated in 2021, when the zoning was changed
20 from allowing three-families in the R zone to
21 two-families.

22 MR. KAUKER: It was prepared by HGA and
23 it effectively is a re-examination report.

24 MR. MAROTTA: Reexam report.

25 MR. SPATZ: Yes.

1 CHAIRPERSON GRULLON: I was looking at
2 the tax record, that it actually shows two floors.
3 And I was trying to figure out the date of this
4 document, do you happen to know the date of this
5 document, Mr. Spatz?

6 MR. SPATZ: No.

7 CHAIRPERSON GRULLON: Because it shows
8 the two floors. And I believe to me that's
9 sufficient proof that the second floor existed.

10 MR. SPATZ: Yeah, I think the issue
11 is -- I think they have it on the records as one
12 unit on the second floor. But it actually had
13 been subdivided into two units. So it's been a
14 mixed use for many years, the second floor was
15 there.

16 MR. MAROTTA: It's the additional
17 unit --

18 MR. SPATZ: That is correct.

19 MR. MAROTTA: -- that is the issue.

20 MR. SPATZ: The unit at some point over
21 the years, that one unit on the second floor was
22 subdivided into a second unit.

23 MR. MAROTTA: Without authorization to
24 do it?

25 MR. SPATZ: That's correct.

1 MR. MAROTTA: Making it an illegal --

2 CHAIRPERSON GRULLON: The application is
3 to legalize two units?

4 MS. PEREIRAS: Right. The application
5 would be to legalize the second floor completely.
6 Because I think there's some confusion as to
7 whether this was fully commercial or mixed use,
8 which it's very obvious it's two stories existed
9 there.

10 CHAIRPERSON GRULLON: How many units?

11 MS. PEREIRAS: There are two units on
12 the second floor.

13 MR. MAROTTA: Are they both
14 two-bedrooms? I know you testified --

15 MR. PEREIRAS: They're both one bedroom.

16 MR. MAROTTA: They're both one bedroom.

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

19 Mr. Pereiras, could you explain the
20 layout of the second floor?

21 MR. PEREIRAS: Yes, it's very simple.
22 There's an entry from the rear of the property.
23 One stair that leads you to a vestibule. To the
24 right is one apartment, to the left is the other.
25 The apartments run the length of the building.

1 The apartment on the -- if you're facing on the
2 right-hand side has the bedroom along 19th Street.
3 The apartment on the east side has the bedroom to
4 the south of the property. It's an open living
5 room, dining room.

6 CHAIRPERSON GRULLON: They're both one
7 bedroom?

8 MR. PEREIRAS: They're both one bedroom.

9 MR. MAROTTA: Where's the restroom on
10 the --

11 MR. PEREIRAS: Bathroom number one,
12 bathroom number two. It's actually on top of the
13 stairs.

14 CHAIRPERSON GRULLON: Do you have any
15 other witnesses?

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

17 CHAIRPERSON GRULLON: Do you have any
18 questions? Any Members of the Board have any
19 questions? I don't have anymore questions at this
20 time. Any members of the public want to step
21 forward on this application?

22 MR. GRIFFO: Joseph, J-O-S-E-P-H,
23 Griffo, G-R-I-F-F-O, I live at 134 19th, across
24 the street. It's two questions. I just -- I'm a
25 little bit confused what's happening here. I live

1 right across the street. Number one, it's
2 probably neither here nor there, but I was really
3 struggling to figure out why it says 137 on the
4 front door, but we're at 133?

5 MS. PEREIRAS: The address is 133 19th
6 Street.

7 MR. GRIFFO: Hold on.

8 MS. PEREIRAS: So my client is
9 clarifying that it says 133 to 137, but the deed
10 itself only references 133, that's interesting.

11 MR. GRIFFO: Okay. I didn't know if it
12 was split lot. This was driving me crazy. I
13 couldn't figure out if it's a split lot or two on
14 one lot.

15 MS. PEREIRAS: It's not an oversized
16 lot. It's one lot.

17 MR. GRIFFO: I guess my question is what
18 this means to legalize something that's illegal?
19 Like what this mean going forward? I guess it's
20 already here, so we already have the people living
21 there that weren't approved in the first place.
22 What does this do going forward?

23 MR. MAROTTA: That means that those
24 units are permissible.

25 MR. GRIFFO: Okay. Does this mean that

1 change can be made or they would have to be
2 approved?

3 MR. MAROTTA: If they want to change
4 that -- for example, if they want to build on top
5 or if they want to add another bedroom, they would
6 have to come back to the Board because it's an
7 expansion of a nonconforming use at that point.

8 MR. GRIFFO: I see. So it doesn't
9 mean --

10 MR. MAROTTA: It's going to stay the
11 same way it is. Well, legally it should -- it
12 should have stayed the same was it was before they
13 split it in half, but --

14 MR. GRIFFO: This is an interesting way
15 to do thing, right, just make the change, then
16 wait long enough. And said we've been doing it
17 forever, so why not just let it -- okay. Maybe I
18 miss understood, did you say there was something
19 that was going to be changed?

20 MR. PEREIRAS: No changes.

21 MR. GRIFFO: Maybe I misunderstood.
22 Thank you very much.

23 CHAIRPERSON GRULLON: Thank you. Any
24 other members of the public want to step forward?
25 Hearing none, taking in consideration that these

1 are preexisting conditions and no changes will be
2 made to the footprint of the building or expanding
3 bedrooms or making any changes inside the
4 apartment, I make a motion to grant this
5 application to go from one commercial to one
6 commercial and two residential.

7 MR. VALLEJO: Motion on the table to
8 grant the application by Mr. Gullon. Any second
9 on the motion?

10 MS. PENA: I second it.

11 MR. VALLEJO: Seconded by Ms. Pena.

12 Roll call on the motion. Mr. Gullon.

13 CHAIRPERSON GRULLON: Yes.

14 MR. VALLEJO: Mr. Ortiz.

15 MR. ORTIZ: Yes.

16 MR. VALLEJO: Ms. Pena.

17 MS. PENA: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: Yes.

20 MR. VALLEJO: Ms. Watley.

21 MS. WATLEY: Yes.

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

24 MS. PEREIRAS: Thank you all very much.

25 * * * *

1 **MI 412 4TH STREET, LLC -**
2 **412 4TH STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, MI 412 Fourth Street, LLC. Ms.
6 Pereiras, please.

7 MS. PEREIRAS: Again, Bianca Pereiras on
8 behalf of the applicant for 412 4th Street, also
9 known as Lot 29 in Block 15. I previously
10 submitted my jurisdictional submission to Counsel
11 for review and approval.

12 MR. MAROTTA: And I find all in order,
13 jurisdiction is found.

14 MS. PEREIRAS: Thank you very much.

15 Currently, we have a multifamily
16 structure existing on-site. There are six
17 residential units which are recognized by the
18 Union City building department. This is an
19 application to legalize two units. We have two
20 experts to testify before the Board. I'd like to
21 begin the presentation with our architect, Mr.
22 Manuel Pereiras.

23
24 M A N U E L P E R E I R A S, previously sworn:
25

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

3 My apologies for not having this on the
4 easel.

5 We have -- again, we're dealing with an
6 existing structure, where we're not making any
7 changes to the exterior of the structure. We have
8 a typical lot of 25 by 100 feet, total of
9 2,500 square feet, so the lot in and of itself is
10 conforming. However, it's a not conforming
11 structure on the lot. The building occupies the
12 entire front of the lot. There is a zero setback
13 on the front yard, there's a zero setback on both
14 side yards. And then on the rear yard, there's a
15 29 -- 25 feet, 5 inch rear yard. So we are
16 conforming with rear yard setback.

17 We have a preexisting nonconformity for
18 building coverage, we're exceeding it by 5
19 percent, we're at 70 percent, and preexisting
20 nonconformity for lot coverage because we are at
21 100 percent. And we are expanding on our parking
22 requirements. We are adding two cars and yet
23 there's no opportunity on the site to add parking.

24 The building is a beautiful masonry
25 building. It consists of three stories and a

1 basement. And currently the three stories above
2 are split down the middle, we have center court
3 stairwell, typical of a lot of Union City
4 buildings. And from that stairwell, you have an
5 apartment on each of the sides. The apartments
6 are 515 square feet and five -- they're both
7 exactly 515 square feet and that's typical on
8 every floor. And we have six legal apartments
9 recognized by the City.

10 On the basement level and that basement
11 level is accessed through the front yard, down a
12 few steps, preexisting steps on the front yard on
13 the side. That basement level suffered a backup
14 in the sewage system that kind of destroyed that
15 entire floor and the apartments, which was -- you
16 know, brought to light that there were illegal
17 units in this basement. And we're here to correct
18 that.

19 We have first and foremost addressed the
20 backup on the sewer and that's already been
21 addressed. They have laid out new plumbing on
22 this site and they have laid down a new slab and
23 cleaned up every situation there. And they have
24 demolished the apartments that are there. And
25 we're looking to correct them and fix them and

1 bring them back in a legal manner, in the proper
2 way.

3 What we're proposing is two apartments,
4 one being a one bedroom apartment and the other a
5 studio apartment. When you walk into the
6 basement, we have a closet for meters, a room for
7 mechanical, and a nice large foyer. That foyer
8 leads you to the two apartments. Apartment
9 number -- what we're calling apartment number 7,
10 you walk in and there's a bathroom, kitchen,
11 dining area, living room and bedroom. Since these
12 are economy units, what we did put is we furniture
13 in there in the floor plan, so you can really see
14 and understand how these apartments can work, and
15 still provide the necessary housing for economy
16 units.

17 From the other unit, what we're calling
18 apartment number 8, you walk into a small dining
19 area, a bathroom, a kitchen. And it's an open
20 studio, so they can leave a bed and make it into a
21 living space.

22 One of the very important aspects of
23 this application is that since we have eight
24 units, we're -- we have two units that we're
25 proposing, we are creating handicapped accessible

1 units. Handicapped accessibility has a lot more
2 to do than someone in a wheelchair. It has to do
3 with people with motor skill difficulties, people
4 in crutches, all sorts of different disabilities.
5 These apartments will be in compliance with those.

6 That's a tremendous need in our
7 neighborhood. And this Board, all the time, sees
8 large scale apartments, brand new construction.
9 It is rare that we see brand new construction that
10 are small economy units like a studio and one
11 bedroom that is handicapped economy. So this is
12 filling that need in the community that is pretty
13 significant. Try to find a cheap apartment for a
14 single person or a young couple, it's very hard to
15 find in this neighborhood. This proposal will
16 satisfy that and fill that need.

17 CHAIRPERSON GRULLON: Do you have
18 another witness?

19 MS. PEREIRAS: We do.

20 CHAIRPERSON GRULLON: Would you
21 please --

22 MS. PEREIRAS: Mr. Kauker, please.

23 MR. KAUKER: Good evening.

24

25 M I C H A E L F. K A U K E R, previously

1 sworn:

2

3 MS. PEREIRAS: Mr. Kauker, are you
4 familiar with 412 4th Street?

5 MR. KAUKER: Yes, I am.

6 MS. PEREIRAS: Did you have an
7 opportunity to review the drawings prepared by the
8 architect?

9 MR. KAUKER: Yes I have.

10 MS. PEREIRAS: Would you kindly walk us
11 through the variances sought on this application?

12 MR. KAUKER: This property is located in
13 an R residential zone, which effectively is a one-
14 and two-family zone. The building, which
15 effectively is three-and-a-half stories with the
16 half story that you can see at the front facade.
17 The property itself is conforming to minimum lot
18 area requirement of the ordinance and more
19 significantly it is a three-story structure and
20 three stories are permitted in this particular
21 zone.

22 We're essentially proposing to
23 reconstruct in the impacted cellar area related to
24 the events that Manny just described, wholly new
25 and conforming units, which are very small in

1 nature, and which essentially provide a need for
2 smaller housing units that certainly are very
3 consistent with the April 2021 master plan, which
4 is to preserve established residential character
5 of Union City, while simultaneously taking into
6 consideration mechanisms that promote economic
7 growth and development.

8 The particular area is a smart growth
9 planning area. And I think that the very
10 significant handicapped design accessible units
11 certainly provide a statement of need, which can
12 function as a special reason in support of this
13 (d) (1) use variance. I feel that the site is
14 particularly suited to accommodate this proposed
15 use because essentially at the basement level of
16 this structure, we have an opportunity to add two
17 very small units, which can serve an existing
18 need. The impact and influence on surrounding
19 land uses is absolutely minimal. And we do, in
20 fact, provide for additional housing
21 opportunities.

22 The master plan objectives essentially
23 enable us to conform within reasonable purposes
24 our reconciliation with the master plan. The
25 building itself is a classic example of well

1 preserved 1940-50 architecture that is part of the
2 generic character of many parts of Union City.
3 That concludes my observations and opinion.

4 I believe that this very small (d) (1)
5 variance deviation can be accommodated without
6 certainly an impact on the surrounding area. And
7 more importantly I wanted to stress the adequate
8 rear yard, which is 7 feet over the minimum of
9 20 feet, and which as you've scene from the site
10 plan provides for outdoor recreated activity. But
11 I think further strengthens the ability of the
12 site to accommodate the eight units.

13 CHAIRPERSON GRULLON: Mr. Kauker, did
14 you get an opportunity to visit the area?

15 MR. KAUKER: Yes.

16 CHAIRPERSON GRULLON: Could you describe
17 the surrounding neighborhood, you know, when it
18 comes to building of that magnitude in the area?

19 MR. KAUKER: I'd be pleased to. I'm
20 trying to locate a -- the surrounding area is
21 influenced to some extent in the rear yard of the
22 site. Immediately adjacent to the site is a
23 senior housing structure under the housing
24 authority of Union City. You can see if you look
25 at the face page of Mr. Pereiras's drawings, you

1 will see that very large site immediately adjacent
2 to the site.

3 In addition, if you look at the photo,
4 you will see that there's a one-story structure
5 which is long and narrow on the left side of the
6 site. On the right side of the site is a
7 two-story structure, which essentially does not
8 cover the site -- it covers, I wouldn't be
9 surprised about 50 percent of the site. There's
10 adequate open space and I don't mean to suggest
11 that we benefit from that from a legal and zoning
12 point of view, but it does provide for added
13 light, air and open space.

14 But I think that if you look at the
15 center drawing, you will also see that down the
16 street to your right is an existing -- on the
17 right side of the photo -- an existing four-story
18 structure, residential structure. So indeed I
19 think there's a balanced mix of moderate rise as
20 well multiple family dwellings, as well as
21 two-family homes. I think that that really
22 enables or puts the subject site into proper
23 context.

24 CHAIRPERSON GRULLON: And I'm not sure
25 if this question is for you, but do you know if

1 the units are occupied now in the building?

2 MR. KAUKER: No, I do not.

3 MS. PEREIRAS: They're not occupied at
4 the moment. They had the backup and they had to
5 repair it.

6 CHAIRPERSON GRULLON: Okay. I mean one
7 of the concerns that I have is the -- again the
8 zero side yards on the building. Can you give me
9 testimony how we're going to have zero setback
10 when we know one of our main concern is fire?

11 MR. PEREIRAS: So one of the benefits of
12 having this period old structure is that it is a
13 masonry structure, okay. Masonry being brick
14 performs very well under fire. It is our best
15 barrier, even with current building science, it's
16 still a wall that's fabricated today doesn't meet
17 the fire safety that an old masonry wall does.

18 So even though the building is on the
19 lot line, we are dealing with a thick masonry
20 wall, which is a significant change. That said,
21 the intervention that we're doing is going to
22 increase fire safety significantly. We're going
23 to have a domestic line sprinkler system on these
24 units. And statistics don't lie. In the entire
25 history of the United States, since we've been

1 using sprinkler systems, there have been zero
2 deaths due to fire --

3 CHAIRPERSON GRULLON: Mr. Pereiras, when
4 you say these units, just the basement or the
5 entire building?

6 MR. PEREIRAS: Just the basement.
7 That's the sprinkler, it would be just the
8 basement.

9 CHAIRPERSON GRULLON: Mr. Spatz, is that
10 something we can request, as a Board? The
11 building fully sprinkled?

12 MR. SPATZ: I think you can request it.
13 I mean it's really a building department issue.

14 CHAIRPERSON GRULLON: By having that
15 zero side yard, I think it only -- even if the
16 fire breaks in the upper floor, it has to be some
17 kind of system that we can easily deal with the
18 situation per floor, not just the basement.

19 MS. PEREIRAS: Mr. Pereiras, I don't
20 know what the construction requirement would be
21 for adding sprinklers because all the other units
22 are occupied.

23 MR. PEREIRAS: So adding sprinklers to
24 the building throughout is something that I frown
25 upon in the sense that we have existing residents.

1 And to do the intervention of running sprinkler
2 systems through a building full of existing
3 residents, it's a huge inconvenience to them and
4 sometimes very difficult. That's why we use other
5 methods to create fire safety. I'd like to just
6 discuss them a little bit. But I do hear your
7 recommendation.

8 One of the very important things to note
9 is that where we have the bedroom located, we have
10 windows. What we're doing and what we're
11 proposing, I should have been more clear on this,
12 because it's not part of this application. It's
13 something that the client already volunteered to
14 do. He excavated the rear of the property and he
15 created a retaining wall along the back so that
16 people could escape through those windows to the
17 rear yard into what's called an area of refuge.
18 So if there was a problem in either of these
19 units, they have immediate escape through large
20 windows to the rear. And the studio apartment has
21 actually a full door to escape to the rear.

22 So even though we're limited and we
23 don't have the side yard, we have that exit not
24 just through the front of the building, but also
25 to the rear of the building. And if there ever

1 was a fire upstairs, we have a two hour fire
2 separation barrier that we're creating on this
3 floor. So that we're providing two layers of
4 gypsum board with a resilient channel, fire
5 insulating that to fire safety. So that if there
6 was a fire above, it takes over two hours for that
7 fire to transfer to that apartment.

8 In addition to that, there's a low
9 voltage alarm system that the building currently
10 does not have that we will input into this
11 building. So if there was a fire anywhere along
12 the building, all the tenants would be notified
13 immediately. This isn't like the annoying fire
14 alarm goes off in the kitchen. This is a true low
15 voltage fire alarm system. So there's a horn and
16 strobe, that horn starts sounding really loud, the
17 strobe lights starts going off. That would be
18 inside the apartment and on the outside face of
19 the building. So for there to be a death or any
20 casualty due to fire, it's extremely unlikely.
21 It's completely mitigated by the efforts that
22 we're doing to meet the code that's required.

23 And the standards of our code is
24 something that, you know, it is -- we adopt the
25 national code and we have modifications in New

1 Jersey. And in this particular condition, the
2 code requirements and the code officials don't
3 think it's necessary to sprinkler the entire
4 building, because we're doing the two hour fire
5 separation, because we have the low voltage alarm
6 system, and because that's a safe condition.

7 CHAIRPERSON GRULLON: Mr. Pereiras, but
8 right now, your sprinkler system and the two hour
9 separation wall that you have, are they just --
10 they're only for the new units, for the basement
11 units?

12 MR. PEREIRAS: Correct.

13 CHAIRPERSON GRULLON: You have no fire
14 separation in between the floors on the other
15 apartments?

16 MR. PEREIRAS: That's true.

17 CHAIRPERSON GRULLON: And that's
18 something that I'm concerned, you know. We are
19 only proposing safety for the interior units, but
20 not proposing any sort of safety besides the alarm
21 for the remaining six units. I mean is there any
22 way to sprinkle the entire building?

23 MR. MAROTTA: I do want to interject one
24 thing. According to what -- in accordance with
25 the New Jersey Administrative Code, a sprinkler

1 system is a capital improvement, deemed as a
2 capital improvement, and your client could seek a
3 capital improvement application with the rent
4 control board. Because obviously this property is
5 rent controlled since it's six units or eight,
6 whatever. And they would be able to get a capital
7 improvement allowance, which is a surcharge, which
8 would assist in paying for the item. So if that
9 helps in any way, shape, or form.

10 MR. PEREIRAS: We understand. There are
11 two reasons where I am reluctant. Number one is
12 because I don't want to displace tenants, I don't
13 want to move tenants, and I don't want to disturb
14 them. And the other thing is in order to
15 sprinkler the entire building, we're breaking the
16 sidewalk and breaking the street. And I try to
17 avoid that as much as possible as an architect in
18 Union City because we have beautiful sidewalks and
19 we have beautiful streets.

20 So I understand and if -- Mr. Chairman,
21 if you take that into consideration. And I'm
22 going to throw one more potential option out there
23 is that one of the things that I think could
24 potentially do and this is not required of the
25 applicant from a code standpoint, but could

1 potentially save a lot of lives is to make the
2 entire vertical stairwell a two hour fire
3 stairwell, in lieu of the sprinkler system, to
4 create that fire separation in the hallways, so
5 that I have that safety in every one of the
6 apartments in the hallway.

7 It's not a sprinkler system, but I think
8 we could work on the hallways and not impose
9 anything on the residents and not break the
10 streets. If you would consider that. And if not,
11 we totally understand --

12 CHAIRPERSON GRULLON: No, no, I would
13 take that in consideration. But, again, could you
14 just explain to me how will you get sprinkler to
15 two units and you don't have to break the
16 sidewalk?

17 MR. PEREIRAS: Correct.

18 CHAIRPERSON GRULLON: And if you to
19 extend to the other apartments, you would have to
20 break the sidewalk?

21 MR. PEREIRAS: So it's based on several
22 factors. The first and greatest factor is water
23 pressure, okay. On a basement apartment, you have
24 very good water pressure. On the third floor, you
25 don't have good water pressure. And water

1 pressure is necessary to stop a fire, you need
2 that water flowing. So on the basement, I could
3 use the existing line that we have and I'm going
4 to get enough pressure to put out a fire and it's
5 safe. On the third floor, I can't. So I need to
6 increase the line coming into the building with a
7 thick, bigger line, two inch line usually. So I
8 need to break the water main in the street,
9 connect it to the building, and then bring it
10 upstairs to the third floor and spread it out.

11 So it's a very different concept to
12 sprinkler that one floor in the basement to
13 sprinkler -- if we were legalizing the third
14 floor, I would have to break the street as well.
15 Since, we're legalizing the basement, it's not
16 necessary because we have the pressure.

17 CHAIRPERSON GRULLON: I just see this as
18 an opportunity to do the right thing. And, you
19 know, like I said good opportunity, it's a good
20 application. It's for low income families. And
21 as Counselor mentioned, there are capital assets
22 that could help with expenses. I would like to
23 you consider that, providing sprinkler system to
24 the building.

25 MR. PEREIRAS: We understand that, as a

1 condition of approval.

2 CHAIRPERSON GRULLON: Do you want to
3 discuss that with your client or we can --

4 MR. PEREIRAS: I think there's no point.
5 It's not going to get approved without it, so
6 we'll accept it. If the client wants to move
7 forward, he's going to build it. If not, he's not
8 going to move forward.

9 MR. MAROTTA: I do think it might
10 include the work -- all work associated with
11 putting it in, not just the building itself. So,
12 again, if it helps. And if he wants to come to
13 rent control, I'm happy to meet with him.

14 MS. PEREIRAS: We appreciate that, thank
15 you.

16 CHAIRPERSON GRULLON: I don't have any
17 other questions. The size of the apartment are
18 small, but fair. One is a studio, the other is a
19 one bedroom apartment, again, for low income
20 family, which is --

21 MS. PEREZ: And handicapped accessible I
22 think is good.

23 CHAIRPERSON GRULLON: -- the type of
24 housing that the City is in need of this type of
25 housing. Any Member of the Board have any

1 questions? Hearing none, do you have any other
2 witnesses, Ms. Pereiras?

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

4 CHAIRPERSON GRULLON: Okay. At this
5 time, I want to open to the public. Any members
6 of the public want to step forward?

7 MR. LAMORTE: Joseph Lamorte, 414 3rd
8 Street, Union City. You addressed the issues
9 regarding safety, regarding the potential fire
10 issues, so I appreciate that.

11 The other impact, the benefit to the
12 City, I don't see the benefit in the sense that,
13 you know, it does give an added burden as far as
14 parking. There are over 35 curb cuts within the
15 200 foot area, curb cuts plus handicapped parking,
16 so within the 200 foot area of the property. So
17 that I think that only burdens our surrounding
18 community as far as the parking issue is
19 concerned.

20 And I think with the applicant, the
21 owner asking for also a hardship variance in this
22 case, that if the work isn't done, this is a
23 hardship for them? I find that this is -- you
24 know, this is a buyer be ware kind of situation.
25 The property was purchased only in December of

1 2021, at \$835,0000. It is under rent control, so
2 I look at this and other neighbors look at this as
3 only a means by which the applicant is trying to
4 maybe operating in the red, trying to operate in
5 the black, and stuff. And these two apartments
6 might help that situation.

7 CHAIRPERSON GRULLON: Thank you, Mr.
8 Lamorte, for your comments.

9 With this application, we're looking at
10 this application as a preexisting condition.
11 They're not proposing to do any curb cut on the
12 street, they're not proposing additional parking.
13 To my understanding, the eight units were existing
14 before they had an issue. Even though they had
15 two illegal units, they just came here just to
16 legalize --

17 MR. LAMORTE: But -- and I'm sorry to
18 interrupt you -- but the owner of the property
19 purchased the property as six units. So I just
20 want to understand this correctly and maybe at
21 another time or something, so that it's explained
22 to me. So if I have an illegal apartment in my
23 basement, I'm fine as long as I don't get caught
24 until I apply for my -- to make that apartment
25 legal? I mean that's what we're condoning here.

1 I mean we're saying it's okay, it's existing, but
2 it doesn't exist. It's not legal. And the person
3 purchased this property under the understanding
4 that it was six units, not eight.

5 CHAIRPERSON GRULLON: I understand your
6 concerns.

7 MR. MAROTTA: I do have a question, just
8 a follow-up. How long -- when did the plumbing
9 issue occur?

10 MR. PEREIRAS: I'm not sure exactly, it
11 was during COVID, I believe. But I'm not sure of
12 the exact --

13 MR. LAMORTE: It was during the bad
14 storm that occurred approximately two years.

15 MR. MAROTTA: It may have been before
16 your client --

17 MS. PEREZ: Last September, that storm?

18 MR. LAMORTE: Remember the storm in
19 which everybody got flooded in Union City?

20 MS. PEREZ: Irene, Ida, one of the "I"
21 storms?

22 MR. LAMORTE: Something like this, it
23 was two units. So it was prior to the client
24 purchasing.

25 MR. MAROTTA: But it was -- were they

1 occupied before your client?

2 MR. LAMORTE: I can answer that.

3 MR. MAROTTA: Was it vacant when your
4 client bought it?

5 MS. PEREIRAS: I don't believe they were
6 occupied at the time he purchased.

7 MR. LAMORTE: There were no units.

8 MR. MAROTTA: So he did buy a
9 six-family?

10 MS. PEREIRAS: Legally, according to the
11 tax records, yes.

12 MR. PEREIRAS: He's aware of that.

13 MR. MAROTTA: And it didn't have two
14 units in the basement to legalize?

15 MS. PEREIRAS: They were existing.

16 MR. MAROTTA: But they had been vacated
17 already and --

18 MS. PEREIRAS: Prior to the closing?

19 MR. MAROTTA: So there was no units
20 there.

21 MR. LAMORTE: I can answer that.

22 MS. PEREIRAS: They were vacant prior to
23 the closing. As far as what work was done inside,
24 I wouldn't know.

25 MR. MAROTTA: I believe the testimony

1 was that a new slab was put down.

2 MS. PEREIRAS: Yeah.

3 MR. MAROTTA: So there was no apartments
4 down there, so they're actually creating two new
5 units in that basement. So it's not a -- in
6 effect, it's really not a legalization of two
7 units because they weren't there.

8 CHAIRPERSON GRULLON: I don't see
9 anything that shows --

10 MR. MAROTTA: It wouldn't show on this,
11 just the date. Based on the testimony, it looks
12 like it was purchased after the vacancy.

13 MR. PEREIRAS: And I don't think it's
14 the reasoning for this Board's approval because
15 it's preexisting. The reason for this Board to
16 approve it is because there's a housing need,
17 there's a particular housing need for this size,
18 economic, small units, studios, one bedrooms.
19 There's a need for handicapped accessibility.
20 Historically, these units don't impact parking
21 because they're typically owned by lower income
22 that do not have cars and take advantages of our
23 wonderful public transportation system.

24 So these are all factors that allow and
25 support this application.

1 MR. MAROTTA: I would just, as far as
2 the last testimony, that's really planning
3 testimony and I tend to disagree somewhat. If you
4 were going to opine in that regard, I think you
5 should present a report to show that these type of
6 units do not present that. I agree with that
7 analysis in many new buildings that are built
8 along the waterfront, but I don't know if it
9 necessarily applies here. It might, but I think
10 we would need more information to support that.

11 MR. PEREIRAS: Okay.

12 MR. LAMORTE: I would also like just to
13 show you -- I'm a real estate agent, so I have
14 access to certain information pertaining to
15 availability of apartments, et cetera. There are
16 presently 105 units available in Union City of
17 which 35 units are under \$1,800, of which seven
18 are studios, 30 are one bedrooms. So there are
19 available apartments out there. Oh, and more
20 importantly, they have been on the market more
21 than 30 days.

22 So I'm just sharing the fact that there
23 are affordable housing in the area, yes, it is a
24 difficult situation in this town, I know that very
25 well, and stuff. But at the same token, I just

1 would like to add this -- what frightens me and
2 maybe this my biggest concern -- is that more
3 people in the neighborhood and maybe I might be
4 incorrect because this is a six-unit building.
5 I'm afraid that a precedent is going to be set and
6 more people are going to have basement apartments.

7 And I do know there are far more
8 stringent rules for two-family converting to
9 three-family, I understand that. But it's a
10 precedent and something is set and if a basement
11 apartment in one place does allow it to happen in
12 others. And there's numerous illegal apartments
13 already basement apartments in my neighborhood
14 that are not addressed and stuff.

15 MR. MAROTTA: Mr. Spatz, the RSIS
16 requires four additional parking spots, correct?

17 MR. SPATZ: That's correct.

18 MR. MAROTTA: What does the ordinance?

19 MR. SPATZ: We use the Residential Site
20 Improvements Standards, the City doesn't have its
21 own separate ordinance.

22 CHAIRPERSON GRULLON: Mr. Pereira, Ms.
23 Pereira, when you present the application, was
24 this presented as a request to legalize or are you
25 presenting this as an additional use of two

1 apartments?

2 MS. PEREIRAS: Let me take a look at how
3 we submitted the application just to make sure
4 that I am --

5 CHAIRPERSON GRULLON: Mr. Lamorte, it's
6 typical. We have a lot of basement apartments
7 throughout Union City and my understanding is that
8 the apartment got destroyed. They were illegal,
9 but now by the testimony, the apartment never
10 existed.

11 MR. LAMORTE: Well, it didn't exist when
12 the buyer purchased it.

13 MS. PEREIRAS: The only testimony from
14 the neighbor is that it wasn't in existence at the
15 time that the client purchased --

16 CHAIRPERSON GRULLON: It was due to --

17 MS. PEREIRAS: Due to a failure with the
18 sewer system and they had to do repairs to the
19 building. But those apartments existed there for
20 several years before that.

21 MR. MAROTTA: Do you know how long?

22 MS. PEREIRAS: I do not.

23 CHAIRPERSON GRULLON: I already
24 expressed my concern with this as far as the fire
25 safety. But I would like to visit the area, carry

1 the application before we make a final decision on
2 this.

3 MS. PEREIRAS: That's fair.

4 MR. LAMORTE: Yeah, that's fair. I just
5 would say that, you know, I'm going to leave here
6 tonight, I'm going to go home to try to park and
7 it's going to take me at least 45 minutes to park.
8 And this is potentially two more parking spaces
9 being taken on my block.

10 CHAIRPERSON GRULLON: I mean it's going
11 to get clear in my mind whether this was an
12 existing condition, existing situation before the
13 flooding that you had two tenants on those
14 basement apartments. And it's not that we're
15 adding to the neighborhood, you know.

16 MR. LAMORTE: But they were illegal
17 apartments, sir. And the purchase was done as a
18 six-family not as an eight-family. I mean I
19 just --

20 MR. MAROTTA: A major issue is whether
21 or not people would be displaced. If people were
22 living there and this was becoming a conforming
23 apartment from a building standpoint.

24 MR. LAMORTE: Okay.

25 MR. MAROTTA: That's one thing. And the

1 last thing we want to do is displace people, we
2 want them to live in a safe place.

3 MR. LAMORTE: Yes.

4 MR. MAROTTA: So this appears to be
5 somewhat different than that.

6 CHAIRPERSON GRULLON: Sure. And we want
7 them to have legal apartments. Because if we are
8 to deny the application, the request, it might
9 become a situation where we have to go back and
10 issue summonses because they are illegal. We had
11 to -- I would rather just to assess the situation,
12 visit the area, and try to get my opinion. Thank
13 you for bringing that up, I was not aware. I
14 thought I was just looking at an application to
15 legalize an existing condition. And I know that
16 you mentioned that it was purchased as a six unit,
17 but it was because of the flooding. I don't want
18 to make a decision right now, I'd rather carry it
19 for a decision only on this matter. You don't
20 have to bring your professional. And I would make
21 a motion at that time.

22 MR. MAROTTA: There's no need to bring
23 Mr. Kauker back.

24 MS. PEREIRAS: Thank you.

25 MR. MAROTTA: No offense, Mr. Kauker

1 always a pleasure to see you.

2 CHAIRPERSON GRULLON: And no renotice,
3 but the meeting will be March 9th.

4 MR. LAMORTE: If I was able to get
5 other -- my neighbors are predominantly elderly
6 and stuff, 70, 80 years old. So coming out to a
7 meeting is not easy. If I can get them to write,
8 because there's about 20 odd neighbors I spoke to
9 that are --

10 CHAIRPERSON GRULLON: They're able to
11 write a letter and put it on the record.

12 MR. LAMORTE: Sure. I'll make sure I do
13 that then.

14 CHAIRPERSON GRULLON: Thank you, Mr.
15 Lamorte.

16 MR. MAROTTA: Consent to carry?

17 MS. PEREIRAS: Of course.

18 CHAIRPERSON GRULLON: I make a motion to
19 carry this application for a decision on
20 March 9th.

21 MS. PENA: Second.

22 MR. VALLEJO: Motion by Mr. Grullon,
23 seconded by Ms. Pena. Roll call on the motion to
24 carry this application for March 9, 2023.

25 Mr. Grullon.

1 CHAIRPERSON GRULLON: 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: Ms. Watley.
9 MS. WATLEY: Yes.
10 MR. VALLEJO: Five in favor, motion
11 carries. This application has been carried to
12 March 9th, no new notice required.
13 MS. PEREIRAS: Thank you, all. Good
14 night.

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1 **2705 BERGENLINE, LLC -**

2 **2705 BERGENLINE AVENUE:**

3
4 MR. VALLEJO: We're moving on to number
5 92705, Bergenline Avenue, LLC. I received an
6 email by the office of Mr. Lopez requesting this
7 application be carried to the next meeting, that
8 will be March 9. Mr. Marotta.

9 MR. MAROTTA: The request to carry does
10 not provide a waiver of the time frame in which
11 the Board needs to act. So although I know that
12 Mr. Lopez would never hold that against the Board,
13 Mr. Lopez may not always be the attorney for the
14 applicant.

15 So, in that instance, my recommendation
16 would be to deny the application tonight, deny the
17 request for the adjournment, deny the application
18 without prejudice, so he can renew his application
19 to come back. That's my recommendation.

20 CHAIRPERSON GRULLON: Yes. And I mean
21 after reviewing the email sent by Mr. Lopez and
22 there was not sufficient information whether he
23 was waiving the statutory rights, this matter has
24 been in front of us three different occasions.
25 And I agree that we should just deny this without

1 prejudice and move forward. Make a motion to
2 deny.

3 MR. VALLEJO: Motion on the table to
4 deny the application by Mr. Grullon.

5 MS. PENA: Second.

6 MR. ORTIZ: Second.

7 MR. VALLEJO: Second by? Mr. Ortiz.

8 Roll call on the motion.

9 Mr. Grullon.

10 CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Mr. Ortiz.

12 MR. ORTIZ: Yes.

13 MR. VALLEJO: Ms. Pena.

14 MS. PENA: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Five in favor, motion
20 carries. Let the record indicate this application
21 has been denied.

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ADOPTION OF RESOLUTIONS:

(1.) 314 13th Street, LLC, 312-314 13th Street, Block: 63, Lot: 7 addition to an existing two -2 family homes **approved**

(2.) 603 Central Avenue, LLC 603-607 Central Avenue. Block 300, Lots 21, 22, 23. Applicant proposes demolishing existing one-story warehouse and constructing three (3) two family house.

Requesting one year extension. Resolution was memorialized on November 12, 2020. **Approved**

(3.) 314 37th, LLC, 314 37th Street Block 221 Lot 9. The applicant proposes to construct a rear addition to an existing five-unit dwelling.

Approved

(4.) J.F.K. Realty, LLC 4614 Kennedy Blvd Block: 263 Lots: 34 & 35 The applicant proposes a new 24-unit multifamily building. 15 parking spaces

Denied

(5.) Jorge Perez 514 36th Street, Block: 218 Lot: 25. The applicant proposes to convert an existing boarding house into a four-unit apartment building. **Approved**

(6.) Christoff Schluender. 1801-1803 Cliff Street. Block: 177 Lots: 25 & 26. Construction of one (1) two-family house and one (1) one-family

1 house. **Approved on 12-08-22. Revised drawings**
2 **received on 01-03-2023.**

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4 MR. VALLEJO: Moving to resolutions. We
5 have six resolutions on tonight's agenda.

6 314 14th Street was approved at the
7 previous meeting.

8 603 Central Avenue - 607. This
9 application was approved at the previous meeting.

10 Resolution number 3, 314 37th Street
11 approved at the previous meeting.

12 J.F.K. Realty, LLC, 4614 Kennedy
13 Boulevard, this application was denied at the
14 previous meeting.

15 Jorge Perez, 514 36th Street,
16 application was approved at the previous meeting.

17 And Christoff Schluender, 1801-1803
18 Cliff Street. This application was approved on
19 December 8, 2022, and revised drawings received on
20 January 3, 2023.

21 Can I have a motion to adopt these
22 resolutions?

23 CHAIRPERSON GRULLON: Motion to adopt.

24 MS. PENA: I second it.

25 MR. VALLEJO: Motion by Mr. Grullon,

1 seconded by Ms. Pena. Roll call on the motion.

2 Mr. Grullon.

3 CHAIRPERSON GRULLON: 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: Ms. Watley.

11 MS. WATLEY: Abstain.

12 MR. VALLEJO: Four in favor, one
13 abstained. Motion carries.

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ADJOURNMENT :

MR. VALLEJO: Can I have a motion to adjourn the meeting?

MS. PEREZ: Motion.

MR. VALLEJO: Motion by Ms. Perez. Seconded by?

MS. WATLEY: Second.

MR. VALLEJO: Ms. Watley. All in favor? (Whereupon, all Board Members indicate in the affirmative.)

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

(Whereupon the meeting was adjourned at 8:47 p.m.)

C E R T I F I C A T E

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

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700