

CITY OF UNION CITY  
HUDSON COUNTY, NEW JERSEY  
PLANNING BOARD

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

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

Tuesday, February 28, 2023  
Commencing at 6:03 p.m.

M E M B E R S     P R E S E N T:

ALEJANDRO VELAZQUEZ, Chairperson  
YDALIA GENAO  
ALICIA MOREJON  
JOSE GUARENO  
HECTOR OSEGUERA, Alternate #2

M E M B E R S     A B S E N T:

BRIAN T. STACK, Mayor  
CELIN J. VALDIVIA, Commissioner  
CAROLINA FERNANDEZ  
FRANKLIN MEDINA

A L S O     P R E S E N T:

BRIAN CHEWCASKIE, ESQ.  
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, City Planner

SUSAN BISCHOFF, CCR, RPR  
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A P P E A R A N C E S:

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, 208 18th Street, LLC

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, 2712 NY, LLC

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, Lidia Nova

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

3           Please take notice that on Tuesday,  
4 February 28, 2023, at 6:00 p.m., a regular meeting  
5 is scheduled for the City of Union City Planning  
6 Board, to be held in Union City High School,  
7 located at 2500 John F. Kennedy Boulevard, Union  
8 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. Mayor Stack is absent. Mr. Velazquez.

MR. VELAZQUEZ: Here.

MR. VALLEJO: Commissioner Celin Valdivia is absent.

Ms. Genao.

MS. GENAO: Yes.

MR. VALLEJO: Ms. Morejon.

MS. MOREJON: Yes.

MR. VALLEJO: Ms. Fernandez is absent.

Mr. Medina is absent.

Mr. Guareno.

MR. GUARENO: Here.

MR. VALLEJO: Mr. Oseguera.

MR. OSEGUERA: Here.

MR. VALLEJO: Let the record indicate there are five present.

\* \* \* \*

**REORGANIZATION:**

MR. VALLEJO: We're going to reorganization to elect chairperson. Can I have a motion to nominate.

MS. MOREJON: Motion to nominate Alex.

MR. VALLEJO: Motion by Ms. Morejon to nominate Mr. Velazquez.

Are there any other nominations?

MR. CHEWCASKIE: Any other nominations?

MR. OSEGUERA: Yes.

MR. CHEWCASKIE: Roll call on the motion.

MR. VALLEJO: Mr. Oseguera.

MR. OSEGUERA: Yes.

MR. VALLEJO: Mr. Guareno.

MR. GUARENO: Yes.

MR. VALLEJO: Ms. Morejon.

MS. MOREJON: Yes.

MR. VALLEJO: Ms. Genao.

MS. GENAO: Yes.

MR. VALLEJO: Mr. Velazquez.

MR. VELAZQUEZ: Yes.

MR. VALLEJO: Five in favor, motion carries. Congratulations, Mr. Velazquez.

CHAIRPERSON VELAZQUEZ: Thank you,  
everybody.

\* \* \* \*

**ADOPTION OF MINUTES:**

MR. VALLEJO: All right. Moving on now to the agenda. Adoption of minutes, November 22, 2022. Can I have a motion?

CHAIRPERSON VELAZQUEZ: I make a motion.

MR. VALLEJO: Motion by Mr. Velazquez.

MS. MOREJON: Second.

MR. VALLEJO: Seconded by Ms. Morejon.

Roll call on the motion.

Mr. Velazquez.

CHAIRPERSON VELAZQUEZ: Yes.

MR. VALLEJO: Ms. Genao.

MS. GENAO: Yes.

MR. VALLEJO: Ms. Morejon.

MS. MOREJON: Yes.

MR. VALLEJO: Mr. Guareno.

MR. GUARENO: Yes.

MR. VALLEJO: Mr. Oseguera.

MR. OSEGUERA: Yes.

MR. VALLEJO: Five in favor, motion carries.

\* \* \* \*



**HEARINGS:**

**CITY OF UNION CITY**

**ORDINANCE:**

MR. VALLEJO: Moving now to item number one City of Union City, ordinance to ban smoke shops and vape shops as a principal permitted use in any zoning district in the City of Union City. Mr. Chewcaskie.

MR. CHEWCASKIE: Certainly. So, board members, what occurred is the City introduced an ordinance on February 21st, it would provide that smoke shops and vape shops are expressly prohibited as uses in all zones within the City. This was referred to the planning board to find whether it's consistent or inconsistent with the master plan. And also whether any recommendations regarding the ordinance. I can defer to Mr. Spatz, but I can tell you the master plan has language in it that supports the general welfare to have appropriate uses, that I would say it is consistent. There is an adoption scheduled for March 7, 2022. So I would suggest to the Board that they can indicate they approve of the ordinance as crafted and I would forward a letter

1 to the Board of Commissioners. So someone wants  
2 to make a motion, I'll author that.

3 MR. OSEGUERA: I just had a question.  
4 Do you know how many currently exist in the City?

5 MR. CHEWCASKIE: I do not. But if they  
6 do exist, they would be grandfathered.

7 MR. OSEGUERA: Okay and so -- I guess  
8 that was the second for those already existing,  
9 they're not going to be asked to close down?

10 MR. CHEWCASKIE: Correct. Something  
11 that exists prior to the adoption of the ordinance  
12 can remain, as long as it's continued to be used.

13 MR. OSEGUERA: No new smoke shops.

14 MR. CHEWCASKIE: That is correct or they  
15 would have to go to the board of adjustment to get  
16 fair approval.

17 MR. OSEGUERA: Fair enough, thank you.

18 On that note, I guess I'll motion to  
19 adopt.

20 MS. MOREJON: Second.

21 MR. VALLEJO: Motion on the table by Mr.  
22 Oseguera to pass, seconded by Ms. Morejon. Roll  
23 call on the motion.

24 Mr. Velazquez.

25 CHAIRPERSON VELAZQUEZ: Yes.

1 MR. VALLEJO: Ms. Genao.

2 MS. GENAO: Yes.

3 MR. VALLEJO: Ms. Morejon.

4 MS. MOREJON: Yes.

5 MR. VALLEJO: Mr. Oseguera.

6 MR. OSEGUERA: Yes.

7 MR. VALLEJO: Mr Guareno.

8 MR. GUARENO: Yes.

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

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1       **HEARING:**

2       **208 18TH STREET, LLC -**

3       **206-208 18TH STREET:**

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5               MR. VALLEJO: Item number 2, 208 18th  
6 Street, LLC, settlement and tolling agreement, Ms.  
7 Pereiras.

8               MR. CHEWCASKIE: I will allow Ms.  
9 Pereiras to introduce herself and then I'll try to  
10 give the Board where we're at because this is a  
11 little unusual, since it's a settlement of  
12 litigation.

13              MS. PEREIRAS: Thank you, Counsel. Good  
14 evening, Mr. Chairman, Members of the Board, may  
15 it please the Board, Bianca Pereiras on behalf of  
16 the applicant, 208 18th Street, LLC.

17              MR. CHEWCASKIE: Okay. And if I may,  
18 what has occurred here is that the Board denied  
19 the application of 208 18th Street, LLC, for a  
20 subdivision and creation of a three-family home.  
21 The matter was appealed to the Superior Court, we  
22 had settlement discussions. And as a result of  
23 the settlement discussions, the existing residence  
24 will remain and a two-family home, totally  
25 consistent with the zoning ordinance, will be

1 provided. The case was resolved with discussions  
2 between myself, Mr. Spatz, and Ms. Pereiras.

3 So what has occurred, what occurred is  
4 that there's a settlement agreement that we will  
5 ask the Board to approve. And then the second  
6 aspect of that is that we will have a hearing with  
7 respect to what is contained in that settlement  
8 agreement, which is the two-family home. So there  
9 would be a subdivision and a two-family home.  
10 That hearing -- this hearing has to be conducted  
11 with notice, that notice was provided. And I had  
12 the opportunity to review that prior to tonight's  
13 meeting.

14 So the hearing today is very simple. It  
15 is not a rehash of the hearing that occurred last  
16 year, but it is to review what is being proposed  
17 and also to authorize the settlement. Basically  
18 the case was dismissed without prejudice subject  
19 to the Board acting on this application this  
20 evening. If the Board approves the settlement  
21 agreement and the proposed two-family, the case is  
22 over. If it's not, we will go back to court.  
23 However, at the time that this case was brought a  
24 three-family dwelling would have been a permitted  
25 use, this is more consistent with what the City

1     wanted.  So are there any questions about the  
2     procedure before we here from Ms. Pereiras?  
3     Seeing no questions, perhaps you can tell us or  
4     introduce your witness and tell us what was  
5     proposed prior to this and what we're providing  
6     for this evening?

7             MS. PEREIRAS:  Of course, thank you,  
8     Counsel.  I think I'll call our first -- our only  
9     witness, our architect Mr. Manuel Pereiras, to  
10    discuss the original submission and the  
11    modifications.

12  
13    M A N U E L     P E R E I R A S, after having been  
14    duly sworn or affirmed, did testify as follows:

15  
16             MR. PEREIRAS:  Manny Pereiras,  
17    P-E-R-E-I-R-A-S, with Pereiras Architects  
18    Ubiquitous, 1116 Summit Avenue, Union City.

19             MS. PEREIRAS:  Mr. Chairman, I ask he be  
20    certified as an expert in the field?

21             MR. CHEWCASKIE:  I would suggest since  
22    the Board has seen Mr. Pereiras on numerous  
23    occasions, that we will accept his qualifications  
24    as an expert in the field of architecture.

25             MS. PEREIRAS:  Thank you very much.

1           Mr. Pereira, are you familiar with the  
2 property at 208 18th Street?

3           MR. PEREIRAS: Very familiar.

4           MS. PEREIRAS: Did you prepare the  
5 drawings that are before the Board this evening?

6           MR. PEREIRAS: I have.

7           MS. PEREIRAS: Would you kindly describe  
8 our original presentation and the modifications to  
9 be approved this evening hopefully?

10          MR. PEREIRAS: I'll be very happy to.  
11 For matters of the record, the board to my left  
12 are the same drawings that were submitted to this  
13 Board. They're simply placed on the easel for  
14 presentation.

15          We are dealing with a 50 by 100 lot.  
16 The existing conditions of that lot is that there  
17 is a structure on the eastern part of that lot and  
18 there is a lot -- a driveway, basically a parking  
19 area on the western portion of that lot. You can  
20 see on the site plan that I'm pointing to now this  
21 is the parking area with the garage in the rear  
22 and two-family structure to the -- two-story frame  
23 structure. I'm not sure -- our original  
24 presentation to this Board was to demolish both  
25 the garage and that structure and build two

1 conforming three-family houses that were  
2 conforming at the time of the presentation.

3           Since then, Union City has adopted a new  
4 ordinance. The concept of a three-family house is  
5 now frowned upon. We're proposing a two-family  
6 house. And that condition, we are maintaining the  
7 existing two-family house that is shown -- it is  
8 currently existing on the lot. The only  
9 modification we are making to this lot is there's  
10 a bay window on the western side of that building  
11 and that bay window projects over that new  
12 property line. So we're going to demolish that  
13 bay window. And in the remaining lot, which is a  
14 conforming 25 by 100 lot, we're providing  
15 two-family house, exactly what the Union City  
16 ordinance and master plan suggests to do.

17           And we're complying fully with all the  
18 requirements and setbacks of that master plan.  
19 That includes a seven foot front yard setback,  
20 where we are proposing significant amount of  
21 greenery. So we have multiple beds for planting,  
22 one on the west corner, one on the east corner,  
23 and two on each side of the driveway. We are  
24 providing pavers for driveway entrance and  
25 pedestrian entrance to the building. We're



1 creating setbacks on the west side, we have two  
2 feet. And on the right side, we have three feet.  
3 I'd like to make a note that we would have to  
4 submit revised drawings to the Board and to the  
5 professional for review. Because at the time we  
6 submitted the drawings to the Board, the bay  
7 window was not going to be demolished. After  
8 discussions between professionals, the client  
9 conceded to demolishing the bay window, so we're  
10 able to meet the setbacks of three feet and two  
11 feet on both sides. So I'm going to adjust my  
12 drawings and submit that following this potential  
13 approval.

14 So we'll have two feet on one side,  
15 three feet on the other. And then the rear yard  
16 is 20 feet clear. Moving towards the height of  
17 the house, we have a permitted three story  
18 building. There's parking on the ground level  
19 with the garage entrance and two pedestrian  
20 entrances to each of the apartments and then two  
21 levels with one level of apartments on each.

22 Going back down to our floor plans on  
23 sheet Z02, we see the ground level. We have the  
24 driveway entrance in the middle of the building,  
25 where we are able to park four cars. This would

1 be the first one and two for apartment A and  
2 parking spaces three and four for apartment B.  
3 They are in tandem, people will park within the  
4 same unit to come out. Each apartment has their  
5 own front door, and each opens to a small  
6 vestibule and a stairwell leading up to the second  
7 floor.

8           On the first floor is apartment A -- on  
9 the second floor is apartment A, on the third  
10 floor is apartment B. Apartment A has a --  
11 they're the same design for both floors. They're  
12 both three bedroom apartments. There's a master  
13 with its own master bathroom and walk-in closet,  
14 two additional bedrooms, a hall bathroom, and then  
15 there's an open floor plan design, kitchen,  
16 dining, living room area. Similar on the second  
17 apartment, except the entry point is slightly  
18 different because the stairs are going an  
19 additional flight so they move a little further  
20 back.

21           Our facade is a very simple combination  
22 of metal siding, brick, and fenestrations of glass  
23 for the windows. There's a thin metal coping  
24 along the top and it's a simple traditional  
25 building that's going to fit into the

1 neighborhood, the fabric of the existing  
2 neighborhood.

3 We are conforming in all other aspects,  
4 lot width, lot length, lot area, coverage,  
5 building coverage, and parking.

6 MR. CHEWCASKIE: My understanding, Mr.  
7 Pereiras, is that the only change to the existing  
8 dwelling is the demolition of that bay window,  
9 which would have encroached on to the other lot,  
10 correct?

11 MR. PEREIRAS: Correct, it's just the  
12 demolition of the encroaching bay window.

13 MR. CHEWCASKIE: I just ask Mr. Spatz.  
14 Dave, the drawings that have been presented, are  
15 they consistent with what was reviewed during the  
16 course of the litigation that gave rise to the  
17 settlement?

18 MR. SPATZ: Yes, they have and I'll  
19 confirm that the new dwelling is fully conforming  
20 to the ordinance. And the only variances being  
21 adjusted, we will review those plans prior to the  
22 adoption of the resolution, just to sign off on  
23 it. But they have met what was discussed as part  
24 of the settlement.

25 MR. CHEWCASKIE: Okay.

1                   CHAIRPERSON VELAZQUEZ: Do the Board  
2 Members have questions? If not, any member from  
3 the public?

4                   I just want to add something here. My  
5 other hat that I wore today, even though it was a  
6 little bit of snow, I was going around checking  
7 for rock salt, the sidewalks, and whatnot. And  
8 today, for some reason, I actually started paying  
9 attention to a lot of the buildings and started  
10 paying attention to that kind of feeling like at  
11 home. I grew up here and I live here, so I'm 24/7  
12 working. But I think bringing it to two families  
13 is a better fit because people want to say then.  
14 For some reason -- in my opinion, for some reason,  
15 when it's three, it gets sold like a condo, no  
16 matter what, it falls through the cracks. Except  
17 for rent control and we have some issues, it falls  
18 through the cracks. You don't have that kind of  
19 feeling.

20                   I felt such a disconnect when I was on  
21 10th Street, different than when I was on 18th  
22 Street today. It's just a different feeling with  
23 those buildings that are there compared to what  
24 they have in their neighborhood. I would love to  
25 see families come here, settle and raise families

1 here and want to be here. They got great  
2 neighbors, can walk around, great neighborhoods,  
3 great schools. And I think that's what we have to  
4 strive for. I know you are products of the town  
5 yourself.

6 I understand that sometimes this is all  
7 about a profit sometimes, everybody wants to make  
8 money, I understand that. But sometimes we forget  
9 about the old-fashioned values a little bit.  
10 Sometimes we got to bring them back, I feel. No  
11 more?

12 AUDIENCE MEMBER: No. Sounds good to  
13 me.

14 MR. CHEWCASKIE: So if the Board is  
15 inclined to approve this application, the motion  
16 would be to authorize the settlement agreement and  
17 approve the two-family house as submitted, that  
18 was just testified to, the subdivision with the  
19 new two-family house.

20 CHAIRPERSON VELAZQUEZ: I'll make the  
21 motion.

22 MR. VALLEJO: Motion to approve by Mr.  
23 Velazquez.

24 MS. MOREJON: Second.

25 MR. VALLEJO: Seconded by Ms. Morejon.

1 Roll call on the motion.

2 Mr. Velazquez.

3 CHAIRPERSON VELAZQUEZ: Yes.

4 MR. VALLEJO: Ms. Genao.

5 MS. GENAO: Yes.

6 MR. VALLEJO: Ms. Morejon.

7 MS. MOREJON: Yes.

8 MR. VALLEJO: Mr. Guareno.

9 MR. GUARENO: Yes.

10 MR. VALLEJO: Mr. Oseguera.

11 MR. OSEGUERA: Yes.

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

14 MS. PEREIRAS: Thank you.

15 MR. PEREIRAS: Thank you.

16 MR. VALLEJO: Require revised plans,  
17 please.

18 MS. PEREIRAS: Yes.

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1       **HEARING:**

2       **2712 NY LLC -**

3       **2712 NEW YORK AVENUE:**

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5               MR. VALLEJO: Next hearing is on an  
6 extension 2712 NY, LLC, 2712 New York Avenue. Ms.  
7 Pereiras, please.

8               MS. PEREIRAS: Bianca Pereiras on behalf  
9 of the applicant for property at 2712 New York  
10 Avenue. The Board may recall that we appeared  
11 before you back in September of 2020, at which  
12 time the Board -- we actually appeared on a few  
13 different meeting dates, but the Board approved an  
14 application to construct a three-family. Now,  
15 this property is located on New York Avenue, where  
16 we have some of these larger structures, so a  
17 three-family fits in on this block in particular.

18               We have an applicant that isn't a  
19 developer, this is actually a family. This mother  
20 father, elderly couple, and son who applied for  
21 this and were given the approval. Unfortunately,  
22 when COVID hit, it hit their family business very  
23 strongly and they were impacted financially quite  
24 seriously. And they were not able to proceed and  
25 submit for permits at that time.

1           So we are respectfully coming before  
2           this Board and hoping for a one-year extension so  
3           they can pull the appropriate permits in this  
4           matter.

5           MR. CHEWCASKIE: So, Ms. Pereiras, let  
6           me just ask a question. So this was approved by  
7           resolution on July 28, 2020. So if the Board was  
8           going to grant a one-year extension, it would be  
9           expire July 28th of this year.

10          MS. PEREIRAS: Correct.

11          MR. CHEWCASKIE: Now, I just want to  
12          make sure you're aware of that and that wouldn't  
13          be an issue.

14          MS. PEREIRAS: We are. We believe we'll  
15          be able to submit in time before that deadline.

16          MR. CHEWCASKIE: I mean for the Board's  
17          edification, I've had an opportunity to review the  
18          statute, they did receive site plan approval, they  
19          are entitled to request an extension. And if  
20          there is -- if the Board feels an extension is  
21          warranted, same should only be to July 28, 2023.  
22          Because then they would have to come back for  
23          further extensions and the Board's feelings may  
24          change.

25          MS. MOREJON: If I may, the extension



1 would be to July?

2 MR. CHEWCASKIE: What it is --

3 MS. MOREJON: This year?

4 MR. CHEWCASKIE: It would be a one-year  
5 extension retroactive to July 28, 2022. So this  
6 extension would expire July 28, 2023.

7 MS. MOREJON: Thank you.

8 CHAIRPERSON VELAZQUEZ: And you said  
9 this is a mom and pop?

10 MS. PEREIRAS: It's a mother, father and  
11 their son. They're the ones -- this was a first  
12 real estate project. And, unfortunately, they  
13 were hit hard with COVID and they weren't able to  
14 proceed.

15 CHAIRPERSON VELAZQUEZ: Those are the  
16 kind of applications I like to hear. And I was  
17 driving today and --

18 MS. PEREIRAS: I'm sure.

19 CHAIRPERSON VELAZQUEZ: I noticed the  
20 house next door was the three and all that.

21 MR. PEREIRAS: It fits in well.

22 CHAIRPERSON VELAZQUEZ: The only scary  
23 part is I know the construction happening across  
24 the street, the demolition of the garage and all  
25 that. If that's all the same time with the

1 closing, probably with the size of it, they have  
2 to coordinate.

3 MS. PEREIRAS: I'm sure we can try to  
4 coordinate.

5 CHAIRPERSON VELAZQUEZ: I always love to  
6 see mom and pops. I always say my opinion. My  
7 opinion, how these corporations come over here and  
8 they're not bothering, I'm weeding and all that.  
9 It scares me. I look at the future a little bit  
10 and get a little nervous.

11 MR. PEREIRAS: And the delay actually  
12 helped them a little bit because of the  
13 construction across the street, the road's going  
14 to be done, so that's less of a financial impact  
15 for them. So it helped them a little bit there.

16 CHAIRPERSON VELAZQUEZ: Yeah. I make a  
17 motion to grant the extension.

18 MR. VALLEJO: Motion on the table to  
19 grant the extension by Mr. Velazquez.

20 MS. GENAO: I second.

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

23 Mr. Velazquez.

24 CHAIRPERSON VELAZQUEZ: Yes.

25 MR. VALLEJO: Ms. Genao.

1 MS. GENAO: Yes.

2 MR. VALLEJO: Ms. Morejon.

3 MS. MOREJON: Yes.

4 MR. VALLEJO: Mr. Guareno.

5 MR. GUARENO: Yes.

6 MR. VALLEJO: Mr. Oseguera.

7 MR. OSEGUERA: Yes.

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

10 MS. PEREIRAS: Thank you very much.

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1       **HEARING:**

2       **LIDIA NOVA -**

3       **704-706 NEW YORK AVENUE:**

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5               MR. VALLEJO: All right. Going to the  
6 last application on tonight's agenda. Lidia Nova,  
7 704-706 New York Avenue.

8               MR. CHEWCASKIE: Just so the Board is  
9 aware, I did have the opportunity to review the  
10 notices on this application, so everything was  
11 appropriate. The Board does have jurisdiction to  
12 hear this application.

13              MS. PEREIRAS: Thank you very much,  
14 Counsel.

15              Bianca Pereiras on behalf of Lidia Nova  
16 for property at 704-706 New York Avenue, also  
17 known as Lot 17 in Block 37.

18              The application before the Board this  
19 evening is to provide for two residential units in  
20 what is now an existing commercial building.  
21 There is a bakery on the ground floor which is to  
22 remain. And the second and third floors will have  
23 apartments.

24              We have one expert to testify before the  
25 Board this evening and that is our architect, Mr.

1     Manuel Pereiras.

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

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

7             MS. PEREIRAS:  Mr. Pereiras, are you  
8     familiar with the property at 704-706 New York  
9     Avenue?

10            MR. PEREIRAS:  I am.

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

13            MR. PEREIRAS:  I have.

14            MS. PEREIRAS:  Would you kindly describe  
15     the proposal for the Board?

16            MR. PEREIRAS:  I would be very happy to.  
17     Actually, as a brief kind of history to the  
18     project, this project -- a very similar project  
19     was approved many years ago, permits were taken  
20     out, family struggled to get the job complete.  
21     They're finally able -- in a financial situation  
22     to finish the project.  However, all the approvals  
23     have expired.

24            So we're basically just completing what  
25     has been there in existence for at least 30 years.

1 We have an existing two-story brick building in an  
2 oversized lot, the lot is 3,754 square feet. It's  
3 37 feet wide and 100 feet deep. So we're working  
4 with a larger lot and all we're looking to do is  
5 to legalize the existing bakery on the ground  
6 floor and two apartments on the floors above. The  
7 two apartments are each -- the apartment on the  
8 second floor is a three-bedroom apartment. And  
9 the apartment on the third floor is a two-bedroom  
10 apartment. All walls, all conditions are there,  
11 they're nice, large sized apartments. If you  
12 look, just as an example, the entire rear portion  
13 of the lot is the kitchen-dining room breakfast  
14 nook area. The entire half of the lot is the  
15 living room and dining room. There's a four foot  
16 existing side yard setback along one side of the  
17 building where they have windows. It's really a  
18 nice building, as far as from a planning  
19 standpoint.

20           However, we have a series of existing  
21 nonconformities. And I'd like to go through them  
22 all now. We are not conforming with side yards  
23 because the ordinance, the way it's written, in  
24 the CN zone, you're allowed to have a zero side  
25 yard setback. However, if you provide a setback,

1     it's supposed to be five feet, we're at four feet.  
2     So keep in mind, we could have done zero, we're at  
3     four feet. And, again, this is a preexisting  
4     nonconformity. There's a preexisting  
5     nonconformity for street parking. We would  
6     require eight parking spaces based on the existing  
7     commercial space, plus the four parking spaces for  
8     the apartments. This is a preexisting building,  
9     there's no place to accommodate parking on this  
10    site, it is a hardship for our client. We ask for  
11    a variance on parking as well.

12               Beyond that, there are no additional  
13    variances. It is a two-story structure, you could  
14    see from the photograph the way it's configured  
15    now. We're simply requesting the Board to  
16    recognize its preexisting nonconformity status and  
17    let the applicant finish their work.

18               MR. CHEWCASKIE: So just a couple  
19    questions, Mr. Pereiras. The renovations to  
20    create the units on the upper level does not  
21    create any increased height in the building, it's  
22    all done internally?

23               MR. PEREIRAS: Correct. These are  
24    preexisting spaces and it's all internal, we're  
25    not adding a floor.

1           CHAIRPERSON VELAZQUEZ: Do you know you  
2 gain two parking spaces with the loading zone?

3           MR. PEREIRAS: No, the commercial space  
4 on the ground floor is still there.

5           CHAIRPERSON VELAZQUEZ: The bakery is  
6 the same?

7           MR. PEREIRAS: They wanted to keep the  
8 bakery.

9           CHAIRPERSON VELAZQUEZ: I thought they  
10 were converting commercial --

11          MR. CHEWCASKIE: No. The bakery stays,  
12 it's basically a two-and-a-half-story structure,  
13 should I say that and that's why it's --

14          MR. PEREIRAS: It's deceiving from --

15          MR. CHEWCASKIE: It's deceiving when you  
16 look at the picture. So there's no additional  
17 height to the building, the bakery is on the first  
18 level, then you have two units above that.

19          MR. PEREIRAS: Correct.

20          MR. CHEWCASKIE: So you will have three  
21 levels and I won't say stories.

22          MR. PEREIRAS: Correct.

23          CHAIRPERSON VELAZQUEZ: They're not  
24 going to close the bakery? That's what I heard.

25          MR. PEREIRAS: Not that I know of.



1 MS. MOREJON: I haven't seen it for a  
2 long time.

3 CHAIRPERSON VELAZQUEZ: That's why I was  
4 a little confused. I thought they were converting  
5 a bakery --

6 MS. PEREIRAS: They're not working it?

7 MR. PEREIRAS: Actually my drawings say  
8 conversion of the commercial space -- no, no. I'm  
9 sure what I'm saying. So if you look at the rear  
10 of the building, which is this facade that you can  
11 see here. Actually this is the front elevation.  
12 There are clearly multiple stories above, they're  
13 simply not visible in the existing framing. But  
14 we have new window openings. Those are the two  
15 apartments that we're legalizing. The commercial  
16 space is going to stay.

17 CHAIRPERSON VELAZQUEZ: Just for record,  
18 I'm just reading from the agenda. It says  
19 applicant proposes conversion of commercial space  
20 into two apartments.

21 MS. PEREIRAS: Because the entire  
22 building is commercial, according to the building  
23 department.

24 CHAIRPERSON VELAZQUEZ: Got it.

25 MR. CHEWCASKIE: Right. And the

1 building department confirmed that this structure  
2 was one commercial and one residential unit prior.  
3 So the approval here is basically the additional  
4 residential unit, which seemed to exist anyway.

5 MR. PEREIRAS: It does.

6 MR. OSEGUERA: I guess I have a question  
7 about the final level. At least from the physical  
8 drawing, it looks really small, is that a normal  
9 height unit?

10 MR. PEREIRAS: So if you refer to sheet  
11 Z02, there's an elevation. And in that elevation,  
12 I'm showing the dashed line which is the floor  
13 level, and a dashed line above which is the  
14 ceiling level. That dashed line at the ceiling  
15 level is eight feet, so it is a typical eight foot  
16 ceiling. There is a tapering on the sides, but  
17 it's very minor.

18 MR. OSEGUERA: Okay.

19 MR. PEREIRAS: And the bakery use is  
20 conforming in this district, so that's a permitted  
21 use.

22 CHAIRPERSON VELAZQUEZ: Does the Board  
23 have any questions? Anybody from the public?

24 MR. CHEWCASKIE: If the Board is  
25 inclined to approve the application, the

1 residential units must conform to the standard  
2 conditions that we attach to every residential.

3 CHAIRPERSON VELAZQUEZ: On that note, I  
4 make a motion to approve.

5 MR. VALLEJO: Motion to approve the  
6 application by Mr. Velazquez.

7 MR. GUARENO: Second.

8 MR. VALLEJO: Seconded by Mr. Guareno.  
9 Roll call on the motion to approve this  
10 application.

11 Mr. Velazquez.

12 CHAIRPERSON VELAZQUEZ: Yes.

13 MR. VALLEJO: Ms. Genao.

14 MS. GENAO: Yes.

15 MR. VALLEJO: Ms. Morejon.

16 MS. MOREJON: Yes.

17 MR. VALLEJO: Mr. Guareno.

18 MR. GUARENO: Yes.

19 MR. VALLEJO: Mr. Oseguera.

20 MR. OSEGUERA: Yes.

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

23 MS. PEREIRAS: Thank you all very much.

24 \* \* \* \*

25

1     **ADOPTION OF RESOLUTIONS:**

2     **ADDRE, LLC -**

3     **525-531 32ND STREET:**

4

5             MR. CHEWCASKIE: Did we add that  
6 resolution that I sent you?

7             MR. VALLEJO: Which one?

8             MR. CHEWCASKIE: 531 32nd Street, there  
9 was a typo in the resolution, so we did an amended  
10 resolution on that. I would ask the Board -- I'll  
11 tell the Board exactly what we did is we prepared  
12 an amended resolution because the resolution that  
13 was adopted on 2015 was not clear. It indicated  
14 side yards of five feet, where the side yards were  
15 five feet on the west and zero feet on the east.

16             I requested Mr. Vallejo to get me the  
17 drawings. I reviewed the drawings, I checked the  
18 resolution, I checked Mr. Spatz's report, and the  
19 resolution was incorrect.

20             So I'd ask the Board to make a motion to  
21 approve the resolution amending -- there's no  
22 number on it. This is ADRRE, LLC, 525 to 531 32nd  
23 street to amend the resolution solely to correct  
24 the side yards at zero feet and five feet.

25             MR. VALLEJO: Thank you. Can I have a

1 motion?

2 CHAIRPERSON VELAZQUEZ: I make a motion.

3 MR. GUARENO: Second.

4 MR. VALLEJO: Motion by Mr. Velazquez,  
5 seconded by Mr. Guareno to approve the amended  
6 resolution. Roll call on the motion.

7 Mr. Velazquez.

8 CHAIRPERSON VELAZQUEZ: Yes.

9 MR. VALLEJO: Ms. Genao.

10 MS. GENAO: Yes.

11 MR. VALLEJO: Ms. Morejon.

12 MS. MOREJON: Yes.

13 MR. VALLEJO: Mr. Guareno.

14 MR. GUARENO: Yes.

15 MR. VALLEJO: Mr. Oseguera.

16 MR. OSEGUERA: Yes.

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

19 CHAIRPERSON VELAZQUEZ: Thank you.

20 MR. CHEWCASKIE: So I did a written  
21 resolution, I did email it to Carlos, maybe it got  
22 lost somewhere, but I will check that. But the  
23 resolution says exactly what we just discussed,  
24 it's a short resolution. So we will have that for  
25 Alex's signature.

**ADJOURNMENT :**

MR. VALLEJO: Anything else? Can I have  
a motion to close the tonight's meeting?

CHAIRPERSON VELAZQUEZ: Motion.

MS. MOREJON: Second.

MR. VALLEJO: Motion by Mr. Velazquez.  
Second by Ms. Morejon. All in favor?

(Whereupon, all Board Members indicate  
in the affirmative.)

(Whereupon the meeting was adjourned at  
6:37 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.

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SUSAN BISCHOFF, CCR, RPR  
LICENSE NO. 30XI00233700