

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, March 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
FRANKLIN MEDINA
JOSE GUARENO, Alternate #1
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

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

BRIAN CHEWCASKIE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, P.P.

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Attorney for Applicant, 15th Street UC, LLC

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I N D E X

MICHAEL SZCZESNY

912 PALISADE AVENUE

SWORN

PAGE

MANUEL PEREIRAS

29

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

3 Please take notice that on Tuesday,
4 March 28, 2023, at 6:00 p.m., a regular meeting is
5 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, also posted on the fronted door
18 of the high school.

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

22

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

25

1 **ROLL CALL:**

2
3 MR. VALLEJO: Thank you.

4 Roll call for tonight's meeting, Mayor
5 Brian Stack, absent.

6 Chairperson Velazquez.

7 CHAIRPERSON VELAZQUEZ: Here.

8 MR. VALLEJO: Commissioner Celin
9 Valdivia is absent.

10 Ms. Genao.

11 MS. GENAO: Yes.

12 MR. VALLEJO: Ms. Morejon.

13 MS. MOREJON: Yes.

14 MR. VALLEJO: Ms. Fernandez is absent.

15 Mr. Medina.

16 MR. MEDINA: Here.

17 MR. VALLEJO: Mr. Guareno.

18 MR. GUARENO: Here.

19 MR. VALLEJO: Mr. Oseguera.

20 MR. OSEGUERA: Here.

21 MR. VALLEJO: Let the record indicate
22 there are six present. Those absent tonight are
23 Mayor Stack, Commissioner Valdivia, and Ms.
24 Fernandez.

25 * * * *

ADOPTION OF MINUTES:

MR. VALLEJO: We're going to adoption of minutes of the regular meeting held on February 28, 2023. Can I have a motion?

MR. GUARENO: Motion.

MS. MOREJON: Second.

MR. VALLEJO: Motion by Mr. Guareno, 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: Mr. Medina abstains, he was not present at the previous meeting, Right?

MR. MEDINA: Yes.

MR. VALLEJO: Five in favor, one abstained, motion carries.

* * * *

1 **HEARING:**

2 **WEST 13, LLC -**

3 **409 4TH STREET:**

4
5 MR. VALLEJO: Item number one, West 13,
6 LLC, 409 4th Street. Mr. Alonso, please.

7 MR. CHEWCASKIE: So I've already looked
8 at that, so you can give it to Carlos.

9 MR. VALLEJO: Thank you.

10 MR. CHEWCASKIE: It was emailed to me by
11 your office.

12 MR. ALONSO: She doesn't tell me
13 everything she does.

14 MR. CHEWCASKIE: If I may, Mr. Alonso,
15 I'll let you speak in a moment, but I just want to
16 bring the Board Members up to date what we're
17 required to do here this evening.

18 So this was a case that was heard by the
19 Board in April 27, 2021. The Board made a
20 decision to deny the application -- actually, this
21 was heard on March 23rd, 2021, and a resolution
22 was adopted on April 27th denying the application.
23 The matter was appealed to the Superior Court.
24 And on February 6, 2023, the Court entered an
25 order requiring the Board to explain with

1 specificity its April 27, 2021, decision.

2 There were two aspects in the resolution
3 for the denial. Number one was whether a front
4 yard variance was required. Mr. Valella
5 testified -- I saw him walk in, I couldn't
6 remember his name, I was going to say Mr.
7 Orestes -- Mr. Valella testified that the
8 prevailing setback was 8 feet, but I don't know if
9 that was determined, that's for the Board to make
10 a determination.

11 The other was that there was a
12 predominance of two-family dwellings and that the
13 three-family home would be out of character. The
14 Court, in its decision on page 11, basically made
15 its finding the appropriate action is to remand
16 this matter and to require the Board to make
17 specific findings and conclusions regarding the
18 basis of its decision that the area where the
19 proposed three-family house is located
20 substantially consists of two-family houses that
21 are lower in height and in depth than what is
22 being proposed. So that was the Court's decision.

23 What would be required is for the Board
24 this evening to have further deliberations
25 regarding its reasoning. And then there would be

1 a further resolution that would be adopted by this
2 Board. And then Mr. Alonso will have to make a
3 determination with his client as to what further
4 proceedings to undertake.

5 So, Mr. Alonso, I don't know if you
6 wanted to add anything to that, if you can enter
7 your appearance, please?

8 MR. ALONSO: That's correct. Good
9 evening, Mr. Chairman, Members of the Board, for
10 the record, Alvaro Alonso on behalf of the
11 applicant.

12 Basically it's correct what Mr.
13 Chewcaskie just indicated. The Court did find
14 that there was no specific findings with respect
15 to the prevailing setback. Our position is that
16 no variances were required and Mr. Valella did
17 testify as to the prevailing setback, but the
18 ordinance does say you have to go 100 feet on
19 either side. So I have Mr. Valella this evening,
20 who will present some testimony just to complete
21 the record as to what each of the properties are
22 and then the Board can make the findings.

23 As to whether or not the property was
24 congruent with the neighbors. The Court did find
25 that that's not a proper factor for the Board to

1 consider. So the only issue here then is whether
2 or not we comply with the prevailing setback
3 requirements as defined in your ordinance.

4 MR. CHEWCASKIE: The one aspect that I
5 disagree with you, Mr. Alonso, is that there was
6 nothing in the Court's decision that indicated
7 that there would be further documentation and
8 testimony. I think the Board is required to
9 either stand or fall on what the previous
10 testimony was. So I don't think it would be
11 appropriate to hear from Mr. Valella and open the
12 record.

13 MR. ALONSO: I'll defer to the Board,
14 we're prepared --

15 MR. CHEWCASKIE: I mean that's my
16 opinion. You know, we have another one where
17 Judge Turula sent it back and said, look, the
18 record's basically closed. I don't want to go
19 beyond the four corners of the Judge's decision,
20 and they say well you considered something else,
21 why did you do that. So certainly, you know, Mr.
22 Spatz is here to aid the Board.

23 Mr. Chairman, I did obtain the original
24 drawings from Mr. Vallejo, if anyone wanted to
25 look at them. And we do have the ordinance

1 requirements for the prevailing setback. Also,
2 Mr. Spatz could probably more eloquently say it
3 than I can, is that if a variance is required, you
4 know, none of these are exceptional situations.
5 So we would consider the variance a flexible
6 variance and that would be is that -- do the
7 benefits basically outweigh the detriments with
8 regard to granting the variance. So that's where
9 the mitigating factors would come in as to the
10 character of the neighborhood or maybe other
11 mitigating factors such as the architecture, the
12 setbacks, et cetera.

13 MR. ALONSO: And with respect to what
14 Mr. Chewcaskie just said, in terms of providing
15 additional testimony, we do stand on Mr. Valella's
16 prior testimony, which was that we do comply with
17 the prevailing setbacks in the neighborhood. The
18 Judge's ruling was that the Board needs to make
19 findings and conclusions to explain with
20 specificity the decision to deny the application
21 because there were no facts identified by the
22 Board in denying the application.

23 MR. CHEWCASKIE: If I may, in that
24 regard, the Court referenced Mr. Valella's
25 testimony, the house is set back 8 feet from the

1 property line, the 8 feet seems to be prevailing
2 setback along the streetscape. Later in the
3 hearing, he testified that the front yard would be
4 10 feet or the prevailing setback. And if you
5 recall, I mentioned that we have an 8 foot
6 setback, which seems to be the prevailing setback.

7 So the Board conducted no further
8 discussion regarding the proposed 8 foot setback
9 or whether a variance was required for it, so I
10 stand corrected by Mr. Alonso on the front yard
11 setback.

12 MR. ALONSO: In fact, the Court even
13 said that -- Mr. Chewcaskie did indicate -- the
14 Judge indicates on page 5 of the decision that Mr.
15 Chewcaskie advised the Board that the
16 characteristics of this application that is here
17 is consistent with our ordinance. Consistent with
18 the ordinance means that no variances were
19 required.

20 CHAIRPERSON VELAZQUEZ: Mr. Spatz, you
21 have anything to add to this?

22 MR. SPATZ: We have not done an
23 additional review of the setbacks, the
24 documentation was provided at the previous
25 hearing. But just to confirm that the setback

1 would not be a hardship condition, but would be,
2 as was stated, under the flexible (c)2 standards.
3 Really it's just a calculation as to how it fits
4 in with that, but it isn't a hardship on the
5 property owner.

6 CHAIRPERSON VELAZQUEZ: This is my first
7 time as Chair, so...

8 I want to let the other Board Members
9 know prevailing setback in order to maintain the
10 character of the established building streetscape
11 in the residential neighborhoods, the average of
12 the front setback of each existing building on the
13 same side of the same street, within the same
14 block, within 100 feet, shall be calculated and
15 those districts noted which require prevailing
16 setback calculation with the zoning schedule at
17 the end of this chapter. The prevailing setback
18 shall be no more than twice the front setback
19 noted within the zoning schedule for said
20 district.

21 Mr. Spatz, can you just break that down
22 a little bit?

23 MR. SPATZ: Again, it's really, you
24 know, just simply sort of a math issue. You take
25 the setbacks of the properties within 100 feet of

1 the subject site and what their setbacks are, that
2 average, that's what the setback needs to be at a
3 minimum. They can be certainly set back further,
4 but the idea is to create a consistent streetscape
5 so that they meet that setback, so all the
6 buildings generally lineup.

7 CHAIRPERSON VELAZQUEZ: You know what it
8 is, I like to go visit the land, I like to go
9 visit some of the sites personally so I get a
10 little bit of a feel for it. And I understand Mr.
11 Alonso's point with, you know, that being the
12 characteristic -- I'm sorry, my opinion, not your
13 opinion -- the characteristics of the whole
14 neighborhood. I look at that house and it looks
15 like, you know, a house that the gingerbread man
16 lives in, it's so small. To see something else go
17 that high up and --

18 MR. ALONSO: That's not what's before
19 the Board.

20 CHAIRPERSON VELAZQUEZ: No, that is --

21 MR. ALONSO: What's not before the Board
22 is with respect to the front yard setback and the
23 Court already ruled on the characteristic issue.

24 CHAIRPERSON VELAZQUEZ: Yes.

25 MR. ALONSO: That's not a proper factor.

1 MR. CHEWCASKIE: I don't necessarily
2 agree with that, Mr. Alonso, because on page 11,
3 the Court says that it also wants the Board to --
4 the basis of the decision that the area where the
5 proposed three-family house is located
6 substantially consists of two-family houses that
7 are lower in height and in depth than what is
8 being proposed.

9 So I look at it twofold. I think number
10 one, the Board has to make a decision whether a
11 variance was required or whether there was
12 sufficient proofs to sustain the prevailing
13 setback at 8 feet; and whether the characteristics
14 of the neighborhood were what the characteristics
15 of the neighborhood were, and, you know, make a
16 determination to either reverse itself or sustain
17 its previous action.

18 MS. MOREJON: If I may, would your
19 client consider a two-family house?

20 MR. ALONSO: No. That was discussed at
21 the last hearing and we would not. It's a
22 permitted use. Just to go to Mr. Chewcaskie's
23 point, the Court did cite case law on page 10
24 which basically prohibits the Board from denying a
25 permitted use simply because they don't feel that

1 it's properly zoned. It is zoned for that, it is
2 zoned for the three-family and no variances are
3 required.

4 CHAIRPERSON VELAZQUEZ: When we're
5 looking at a three-family, are we looking at the
6 three-family with the garage under and three on
7 top?

8 MR. ALONSO: Correct.

9 CHAIRPERSON VELAZQUEZ: Make it
10 almost like --

11 MR. ALONSO: Correct. The zone -- the
12 ordinance has changed since then. There's a rule
13 called the time of application rule. So we're
14 still protected under the old ordinance. So it's
15 the old ordinance with the parking layout that was
16 in your master plan. It's consistent with exactly
17 what the City was requiring at that time.

18 MR. CHEWCASKIE: I think perhaps maybe
19 to guide the Board slightly is that what Mr.
20 Alonso said is correct, at the time of application
21 it's the ordinance in effect. At the time, the
22 ordinance in effect permitted three-family
23 dwellings. And as I indicated on the record, this
24 was substantially consistent with that ordinance.
25 The Board made a determination to deny based upon

1 two reasons, whether there was sufficient
2 information to determine the prevailing setback,
3 and whether a variance was required because I read
4 it as a default, it's either prevailing or
5 10 feet, and that's what it is. Did I get that
6 right, David?

7 MR. SPATZ: That's correct.

8 MR. CHEWCASKIE: And then the other part
9 of it is is that the Court, whether it did cite
10 certain case law, the Court specifically said, you
11 know, what is the Board's reasoning for saying
12 that this neighborhood consisted substantially of
13 two-family dwellings that were lower in height and
14 less in depth than what was proposed? That's the
15 language the Court used, so that's where we're at
16 today. So, you know, the Court wants to know your
17 reasons.

18 CHAIRPERSON VELAZQUEZ: So we go back to
19 the prevailing setbacks again with the front yard,
20 correct?

21 MR. CHEWCASKIE: That is correct, that's
22 the first aspect.

23 CHAIRPERSON VELAZQUEZ: That a variance
24 is required for that?

25 MR. ALONSO: We're saying it's not

1 required. So you need to make a finding as to
2 whether or not a variance is required based on the
3 prevailing conditions. If it's not required, then
4 it's a variance-free application. If the Board
5 finds that it is required, then the Board has the
6 option of either granting the variance or denying
7 the variance and then setting forth the reasons
8 with specificity for the denial.

9 CHAIRPERSON VELAZQUEZ: I think a
10 variance should be required for it.

11 MR. CHEWCASKIE: I mean what the Board
12 found earlier that the construction of the new
13 three-family residence will require a variance for
14 front yard setback, where 10 feet is required, 8
15 feet is proposed. The Court would want to know
16 the reasons why you made that determination,
17 whether there was sufficient proofs or whether
18 that's based upon your knowledge of the area.

19 CHAIRPERSON VELAZQUEZ: Would that mean
20 visiting and looking at it? I know that whole
21 area --

22 MR. CHEWCASKIE: If you're not
23 comfortable, we can certainly carry this to our
24 next meeting, which will be scheduled to
25 April 11th to look at it again. And I didn't

1 realize Mr. Alonso was prepared to permit
2 testimony, so we may want to have -- I can have a
3 discussion with him if you want to carry this. We
4 have a special meeting April 11th?

5 MR. VALLEJO: Correct, 6:00 p.m.
6 April 11th.

7 MR. CHEWCASKIE: We can do this
8 April 11th, I'm trying to move this along or at
9 the regular meeting.

10 MR. ALONSO: Well, the question them
11 becomes is the Board permitted to do site visits,
12 which that would, in effect, open up the record
13 and allow additional testimony or evidence that
14 was not provided at the last meeting?

15 MR. CHEWCASKIE: I think the Board could
16 go visit the neighborhood just to reacquaint
17 itself with the application, you know, it happens
18 all the time. I know Mr. Velazquez, before every
19 application, looks at the neighborhood. And I
20 believe he indicated he hasn't done that this time
21 with this application.

22 I think in fairness to the applicant and
23 the Board, if any Board Members wants to visit the
24 area, they can visit the area. I will speak to
25 the attorney that handled the matter whether it

1 would be appropriate to reopen the record. And
2 then you and I could have a discussion. I mean,
3 you know, we're offering April 11th because we
4 have to have a meeting April 11th.

5 MR. ALONSO: The problem is that the
6 Board already took action on the application.

7 MR. CHEWCASKIE: I understand.

8 MR. ALONSO: And the Court is asking for
9 specificity as to the action that was taken in
10 2021, not based on new inspections --

11 MR. CHEWCASKIE: I don't think --

12 MR. ALONSO: -- which would supplement
13 the record.

14 MR. CHEWCASKIE: I don't think a new
15 inspection would supplement the record, I think
16 it's a refreshment of recollections. Sort of
17 like, here's the resolution, take a look at it.
18 I'm not asking them to consider new testimony, I'm
19 not asking them to consider anything else but
20 these are the characteristics that existed in 2021
21 or whenever it was and these are the
22 characteristics that still exist today.

23 MR. ALONSO: I'll just state my
24 objection for the record and we'll take it from
25 there.

1 CHAIRPERSON VELAZQUEZ: Mr. Alonso, that
2 property is still the same, like vacant and
3 everything, right?

4 MR. ALONSO: I don't know if it's vacant
5 or not, it's still standing, hasn't been
6 demolished.

7 MR. CHEWCASKIE: All right. When would
8 you like to come back, April 11th or that would be
9 the 25th?

10 MR. ALONSO: 11th, I'm not available.
11 The 25th, I'm available the 25th.

12 MR. CHEWCASKIE: Okay. So would you
13 like to carry it to the 25th?

14 MR. ALONSO: I would like to take action
15 tonight, but if the Board needs time, then I'll
16 carry it to the 25th.

17 MR. CHEWCASKIE: So if there's a motion
18 to carry it to the 25th without further notice.

19 CHAIRPERSON VELAZQUEZ: I make a motion.

20 MS. MOREJON: Second.

21 MR. VALLEJO: Motion by Mr. Velazquez,
22 seconded by Ms. Morejon that this application be
23 carried for April 25, 2023, same place, same
24 location.

25 Roll call on the motion. Mr. Velazquez.

1 CHAIRPERSON VELAZQUEZ: Yes.
2 MR. VALLEJO: Ms. Genao.
3 MS. GENAO: Yes.
4 MR. VALLEJO: Ms. Morejon.
5 MS. MOREJON: Yes.
6 MR. VALLEJO: Mr. Medina.
7 MR. MEDINA: Yes.
8 MR. VALLEJO: Mr. Guareno.
9 MR. GUARENO: Yes.
10 MR. VALLEJO: Mr. Oseguera.
11 MR. OSEGUERA: Yes.
12 MR. VALLEJO: Six in favor, motion
13 carries. No new notice required.
14 MR. ALONSO: Thank you.

15 * * * * *

1 **HEARING:**

2 **613 39TH STREET, LLC -**

3 **613 39TH STREET:**

4
5 MR. VALLEJO: We are going to move on to
6 item number two, 613 39th Street, LLC. Ms.
7 Pereiras, please.

8 MS. PEREIRAS: Good evening, Counsel,
9 Mr. Chairman, Members of the Board, may it please
10 the Board, Bianca Pereiras on behalf of the
11 applicant for 613 39th Street.

12 The Board may recall we were in front of
13 you back in January of 2020, at which time we
14 sought approval for a subdivision to create two
15 lots and to construct a three-family on one of
16 those lots. This Board approved that application.
17 Unfortunately, due to several circumstances which
18 I'll list as briefly as I can, we have not been
19 able to secure permits.

20 So we are in front of this Board today
21 seeking a second one-year extension. The
22 applicant has taken significant steps to obtain
23 permits. In fact, following approval by this
24 Board, we went in front of the Board of Adjustment
25 because the other created lot was technically in

1 two separate lots, so the Board of Adjustment had
2 jurisdiction on that matter. And they also
3 approved a three-family to be constructed. The
4 applicant has secured permits on that building.

5 The applicant has demolished what was
6 existing at the time of this application. And
7 there is some significant topography to the site,
8 some very hard rocks, so that process has taken a
9 little longer than anticipated. And then add in
10 there COVID-19 and all the delays that were caused
11 by that. So we are respectfully requesting a
12 one-year extension to this matter.

13 MR. CHEWCASKIE: So in that regard, I
14 guess, there was a resolution that was adopted in
15 May of '21 and there was an initial -- was there
16 an extension?

17 MS. PEREIRAS: There was one extension
18 granted by this Board.

19 MR. CHEWCASKIE: And that would expire,
20 I guess, May of '23, May 25, 2023. So how much
21 time are you asking for?

22 MS. PEREIRAS: We are requesting a year
23 again. We think we've made already significant
24 efforts towards obtaining those permits. So we
25 don't think it will take as long, but just for

1 some little comfort zone, we are requesting a
2 year.

3 CHAIRPERSON VELAZQUEZ: If the Board
4 sees fit for this request, can I have it that that
5 property doesn't have to be called on every
6 three weeks, especially with the weeds growing
7 over the summer? That this is taken care like
8 clockwork?

9 MS. PEREIRAS: This is a very good
10 client, he owns several other properties in town,
11 actually lives in town. So I will make sure he
12 maintains that property, absolutely.

13 CHAIRPERSON VELAZQUEZ: I make a motion
14 to grant the extension.

15 MR. VALLEJO: Motion on the table to
16 grant the extension by Mr. Velazquez.

17 MS. GENAO: I second.

18 MR. VALLEJO: Seconded by Ms. Genao.
19 Roll call on the motion. Mr. Velazquez.

20 CHAIRPERSON VELAZQUEZ: Yes.

21 MR. VALLEJO: Ms. Genao.

22 MS. GENAO: Yes.

23 MR. VALLEJO: Ms. Morejon.

24 MS. MOREJON: Yes.

25 MR. VALLEJO: Mr. Medina.

1 MR. MEDINA: Yes.

2 MR. VALLEJO: Mr. Guareno.

3 MR. GUARENO: Yes.

4 MR. VALLEJO: Mr. Oseguera.

5 MR. OSEGUERA: Yes.

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

8 MS. PEREIRAS: Thank you all very much.

9 MR. CHEWCASKIE: Ms. Pereiras, that will
10 be in accordance with the prior resolutions, the
11 conditions, and the condition that the Chairman
12 just indicated, that the property will be
13 maintained consistently?

14 MS. PEREIRAS: Absolutely. Thank you,
15 Counsel.

16 * * * *

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1 **HEARING:**

2 **MICHAEL SZCZESNY -**

3 **912 PALISADE AVENUE:**

4
5 MR. VALLEJO: We're moving now to item
6 number three, Michael Szczesny, Ms. Pereiras,
7 please.

8 MS. PEREIRAS: Again, Bianca Pereiras on
9 behalf of Michael Szczesny for property at 912
10 Palisade Avenue. This application was heard by
11 this Board back in May of 2021. This will expire
12 in May of this year. Unfortunately, we have not
13 been able to secure permits. As you know,
14 Palisade Avenue has significant slope issues and
15 rocks. And they've been in the process of
16 coordinating with the engineer as well as our
17 proximity to the Union City Pool, there's been a
18 lot of coordination with the town to make sure
19 that all work is done accordingly to protect all
20 City property as well.

21 So we are seeking respectfully a
22 one-year extension so we that can obtain those
23 approvals and construct.

24 CHAIRPERSON VELAZQUEZ: How far along is
25 it, like, really?

1 MS. PEREIRAS: Let's check with our
2 architect who is here this evening and he's the
3 one preparing the construction documents and I can
4 confirm exactly where it is.

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

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

12 So the plans have been complete. What
13 we're waiting for right now is approval from north
14 Hudson Sewer for the sewer connection. It's also
15 been a little complicated because we're right next
16 to the pool and so we've been coordinating with
17 the Mayor's office, with the engineering office,
18 so that when we do demolition and construction,
19 we're not in any way obstructing passage to the
20 pool or creating any dust for the pool.

21 So all these negotiations and
22 conversations have been delaying the process a
23 little bit. However, we're all ready and as long
24 as that coordination comes through, we'll be able
25 to build.

1 CHAIRPERSON VELAZQUEZ: This is not
2 going to look like the lot next door?

3 MR. PEREIRAS: Just so you feel
4 comfortable also, the owner of the lot next door
5 fired that contractor, he was a mess and a very
6 difficult person to run with. He actually hired a
7 contractor that did a very nice job on Pleasant
8 Avenue and he's going to be running both of those
9 jobs. So both jobs will be running
10 simultaneously, being built, and that way there's
11 less impact on the pool and the rest of the
12 neighborhood. So we really want these to grow
13 together at the same time. And I think they're
14 going to be twin buildings, it's going to be
15 really beautiful for the block. I think it's
16 going to make a big difference for Union City.

17 All that said, there might not be enough
18 time to get everything in and that's why they're
19 requesting the extension.

20 CHAIRPERSON VELAZQUEZ: For the sake of
21 this application, just in case, if we approve this
22 request, this is going to be the last one,
23 especially in that area there.

24 MR. PEREIRAS: I understand.

25 CHAIRPERSON VELAZQUEZ: That's, you

1 know, it will be all around next year --

2 MS. PEREIRAS: We have an applicant
3 that's ready to proceed.

4 MR. PEREIRAS: Yes.

5 CHAIRPERSON VELAZQUEZ: I make a motion.

6 MR. OSEGUERA: Second.

7 MR. VALLEJO: Motion to?

8 CHAIRPERSON VELAZQUEZ: To grant the
9 extension.

10 MR. VALLEJO: Motion to grant the
11 extension by Mr. Velazquez.

12 MR. OSEGUERA: Second.

13 MR. VALLEJO: Seconded by Mr. Oseguera.

14 Roll call on the motion. Mr. Velazquez.

15 CHAIRPERSON VELAZQUEZ: Yes.

16 MR. VALLEJO: Ms. Genao.

17 MS. GENAO: Yes.

18 MR. VALLEJO: Ms. Morejon.

19 MS. MOREJON: Yes.

20 MR. VALLEJO: Mr. Medina.

21 MR. MEDINA: Yes.

22 MR. VALLEJO: Mr. Guareno.

23 MR. GUARENO: Yes.

24 MR. VALLEJO: Mr. Oseguera.

25 MR. OSEGUERA: Yes.

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

3 MS. PEREIRAS: Thank you all very much.

4 MR. CHEWCASKIE: Don't leave because I
5 made a mistake on the earlier application. So
6 just so that the record is clear, on 613 39th
7 Street, the resolutions were memorialized in
8 January of 2020 and therefore the one year
9 extension would expire I believe it would be
10 January 28, 2024, I just want to make that clear
11 that it's not May. I had the wrong application in
12 front of me.

13 MS. PEREIRAS: Understood.

14 MR. CHEWCASKIE: So was there any issue
15 with that with the Board?

16 CHAIRPERSON VELAZQUEZ: No.

17 MR. CHEWCASKIE: Ms. Pereiras, any issue?

18 MS. PEREIRAS: Not at all.

19 MR. CHEWCASKIE: So the one-year
20 extension corresponds to the earlier resolution.

21 MS. PEREIRAS: Yes. Thank you very
22 much, Counsel.

23 MR. CHEWCASKIE: Thank you.

24 MS. PEREIRAS: Thank you all.

25 * * * *

1 **15TH STREET UC, LLC -**

2 **814 15TH STREET:**

3
4 MR. VALLEJO: All right. We're going to
5 move now to item number four, 15th Street UC, LLC,
6 814 15th Street. Mr. Lopez, please.

7 MR. CHEWCASKIE: Adolfo, if you want to
8 put your appearance on the record, please?

9 MR. LOPEZ: Thank you. Mr. Chairman,
10 Counselor, Adolfo Lopez appearing on behalf of the
11 applicant, 15th Street UC, LLC, and this relates
12 to a property at 814 15th Street in the City.

13 MR. CHEWCASKIE: So this is the second
14 time that this is back before the Board. Judge
15 Turula's issued a second order for remand on March
16 3th and required this matter be heard within
17 30 days. And Judge Turula was very clear, sole
18 purpose of deliberating in furtherance of
19 reconsideration of its prior resolution and to
20 make specific factual findings and conclusions of
21 law in support of its decision. No further
22 testimony shall be taken nor shall additional
23 documents be marked into evidence.

24 So what transpired, I guess, there was
25 an action that was taken on this application,

1 which there was a denial on September 22, 2020.
2 That was appealed to the Court, remanded to this
3 Board pursuant to an order from Judge Turula
4 August 2021. A resolution was prepared and
5 adopted at that time, but the Judge wanted to hear
6 from the Board's own words the reasons for the
7 denial. Similar to the prior application, we had
8 Mr. Spatz's report; Mr. Charles Heydt, a planner,
9 did testify that there were variances required for
10 lot area, lot width, and lot depth; that those
11 variances were de minimus because of the exact
12 standards Mr. Spatz put in his report. There was
13 a shortage in the lot area of 10 feet and some
14 shortages in lot width and lot depth. And also
15 the Board found that those variances were
16 required. Although Mr. Heydt testified that the
17 three-family house would not have an impact on the
18 neighborhood, the Board made a conclusion that the
19 neighborhood consisted of two-family two-story
20 dwellings.

21 So the Judge wanted to hear and we have
22 to do this evening as to what the Board's
23 reconsideration of its prior actions were. And,
24 again, whether it is going to reconsider and make
25 a different decision or find that there are

1 sufficient factors to support its prior decision.

2 So that's where we are this evening. I
3 don't know if you wanted to add anything, Mr.
4 Lopez?

5 MR. LOPEZ: The only thing, just as in
6 the prior application by Mr. Alonso, this
7 application was filed at the time that the
8 ordinance permitted this type of structure. So
9 it's a permitted use in the zone. And, again,
10 just to point out the prior testimony, the problem
11 with this lot is that it's 24.77 feet wide rather
12 than 25. So it's missing two-and-three-quarters
13 of an inch. And the depth is 99.97 feet, which
14 equals to 99 and 11 five-eighths inches, so it's
15 three quarters of an inch less than the standard
16 size. So it's really, really de minimus. And
17 that's -- those are the only variances.

18 MR. CHEWCASKIE: So, Mr. Spatz, I guess
19 you identified those. There are still, I guess,
20 variances required, the Board would have to do
21 that balancing test, you know, under -- I don't
22 believe there's a hardship here --

23 MR. LOPEZ: It is.

24 MR. CHEWCASKIE: -- no exceptional
25 difficulties, but -- well, I shouldn't say that.

1 MR. SPATZ: Yeah, I mean it is a
2 hardship. What would need to be documented would
3 be that there was an attempt to acquire other
4 property to bring it up to conformity and that was
5 unsuccessful.

6 MR. CHEWCASKIE: But I think we could
7 safely assume that the area is developed around
8 there?

9 MR. SPATZ: Correct.

10 MR. CHEWCASKIE: So you could either say
11 that that's an exceptional circumstance and
12 whether the benefits outweigh the detriment on a
13 flexible C, you know. You could look at it from
14 either standard.

15 MR. SPATZ: Correct. It's a hardship
16 that potentially could be corrected, but, you
17 know, obviously they have to negotiate with the
18 property owner next door and take some property
19 without making that property nonconforming. I'm
20 not sure that that's possible.

21 The second phase would be to look at
22 whether because the property is minimally short of
23 what would be required that it can no longer
24 support the three-family house. It's the decision
25 the Board needs to make.

1 MR. CHEWCASKIE: I would say looking at
2 the aerial on the drawings at the time that it was
3 fully developed.

4 MR. SPATZ: Yes, I don't dispute that.

5 MR. CHEWCASKIE: I just wanted to make
6 sure.

7 MR. SPATZ: Right.

8 MR. CHEWCASKIE: I don't want to go down
9 a path that doesn't seem appropriate.

10 MR. SPATZ: Right. I don't disagree, I
11 think the Board could take notice of the fact that
12 the properties surrounding it are fully developed
13 and would be made nonconforming if they sold
14 property to this lot to make it conforming. And
15 that's obviously a circumstance that the Board
16 would not do. So the lot is as it is and that's
17 what you need to consider.

18 CHAIRPERSON VELAZQUEZ: Any Board
19 Members have any questions?

20 MR. CHEWCASKIE: So as I indicated, the
21 issue is that, you know, there are variances
22 required, you know, they're all bulk variances.
23 And I do apologize because I believe Mr. Heydt
24 indicated it was a hardship variance at the time
25 of his testimony. So that's the planning

1 testimony that you heard, I believe Mr. Spatz
2 confirmed that.

3 So the question becomes there are two
4 parts to a variance test. Do you find there's a
5 hardship and the size of the lot is constrained
6 slightly, as a result. But you also have the
7 second aspect of variance relief for both (c) and
8 (d) variances, you know, is whether the benefits
9 of granting the variance outweigh the detriments.
10 And also whether there would be an impact on the
11 neighborhood. There's always some impact, but,
12 you know, the Board finds there's substantial
13 impact.

14 The Board made findings that the
15 neighborhood was substantially two-family homes of
16 two stories, that's what the Board said in its
17 resolution. I don't know if anyone wants to
18 comment on what both myself and Mr. Spatz stated?

19 MR. LOPEZ: I would only add one thing
20 to that. The testimony of the planner at the time
21 was that the footprint of the building was reduced
22 in order to make it conforming, where no variances
23 would be required as to setbacks and size. So
24 because they had a very slightly smaller lot, the
25 building was adapted so there would be no

1 additional variances created.

2 MR. CHEWCASKIE: Do you have the
3 drawings for this one, Carlos. This was 912
4 Palisade.

5 CHAIRPERSON VELAZQUEZ: This property
6 right in the middle?

7 MR. LOPEZ: Yes, it's not 912.

8 MR. CHEWCASKIE: I have it here. The
9 Chairman had them, I wanted to lay it out for the
10 Chairman.

11 CHAIRPERSON VELAZQUEZ: I guess
12 sometimes, in my opinion, Mr. Lopez, maybe the
13 judges don't look at that as being a resident of
14 the City and seeing that whole characteristic of
15 that whole neighborhood changing. What happens
16 is, that I've noticed here, and I've seen it, is
17 that these threes with the one underneath, just
18 becomes doormat and you got transient, it just
19 keeps on going, shuffling, and it kills the whole
20 characteristic of the whole neighborhood. I
21 understand --

22 MR. LOPEZ: Those are no longer
23 permitted.

24 CHAIRPERSON VELAZQUEZ: Yes, I know.

25 MR. LOPEZ: And the other thing that was

1 pointed out by the planner is the block is not --
2 and again it's not new testimony, I'm just
3 pointing out what was testified to. It's not
4 exclusively two-families. There are -- he
5 testified there were four large multiple dwellings
6 on that block. There are two on Kerrigan, one on
7 Summit on the corner, and another one in the
8 middle of the block on the opposite side.

9 So it's not -- the testimony at that
10 time was not that it was exclusively two-families,
11 there are large buildings in the area.

12 MS. MOREJON: You're talking about
13 Summit Avenue and 15th Street?

14 MR. LOPEZ: Yes.

15 MS. MOREJON: That block most of it is
16 two- and one-family houses.

17 MR. LOPEZ: But on -- it's between
18 Summit and Kerrigan.

19 MS. MOREJON: I'm talking about 15th
20 Street.

21 MR. LOPEZ: Yes. On 15th Street, the
22 testimony of the planner was that there's a
23 building on the corner of 15th and Summit and
24 there are --

25 MS. MOREJON: Summit, we're talking

1 about 15th --

2 MR. LOPEZ: On 15th Street.

3 CHAIRPERSON VELAZQUEZ: I know what
4 you're saying, 825 on 15th Street and --

5 MS. MOREJON: -- one- and two-family
6 houses.

7 MR. LOPEZ: Again, on both corners of
8 Kerrigan is also two large buildings.

9 MR. CHEWCASKIE: You know, the architect
10 did a good job with this visual, so you do see
11 some multifamily dwellings, you see the location
12 of this property, and you see the properties
13 adjacent to the applicant's property in both
14 directions.

15 So you do have a good view on the
16 drawings of exactly what there is. There's no
17 doubt about it, with the testimony, and as, you
18 know, Mr. Velazquez indicated, and Ms. Morejon,
19 that there certainly are those characteristics
20 that exist. There are certain two-families and
21 one-families also and multifamilies.

22 MS. MOREJON: It's a beautiful block, a
23 beautiful block.

24 MR. CHEWCASKIE: So that's where we're
25 at. The Board has to make a determination as to

1 whether to grant the variances and if they're
2 going to grant the variances, that a finding is
3 required that there would not be substantial
4 impact to the neighborhood. That's for the Board
5 to decide.

6 CHAIRPERSON VELAZQUEZ: Well --

7 MR. CHEWCASKIE: Maybe you should state
8 what you want to say, Mr. Velazquez, and, you
9 know, we can have further discussion with the
10 Board.

11 MR. OSEGUERA: Can the Board deliberate
12 on this for a moment?

13 MR. CHEWCASKIE: Yes. We're required to
14 deliberate. The Chairman indicated he's not
15 comfortable granting the variances. You know,
16 other Board Members should chime in as they feel.

17 MR. LOPEZ: Is this an off the record
18 discussion?

19 MR. CHEWCASKIE: I'm going to ask Mr.
20 Oseguera to look at the drawings because he wanted
21 to see the character. This is just -- so the
22 record is clear, Mr. Oseguera, currently existing
23 on the drawings, it is dashed lines around the
24 property. You can see in each direction, the
25 multifamily that was referred to.

1 MR. OSEGUERA: I'm just thinking aloud.
2 Looking at the building as it exists now and what
3 it would become after, I'm thinking about the
4 resources that the neighborhood would need
5 accommodating the new building as one of the
6 reasons that the Board might not feel comfortable
7 granting the variance that's been requested. And
8 that's me thinking aloud, looking at the drawing
9 as it exists, going back to the character of the
10 neighborhood mostly being two or one-family or
11 having a predominance of those sorts of houses and
12 changing to a building that would be three with
13 one would bring a substantial change. And even an
14 accommodation of different resources to that block
15 that might make this, at this point, as a
16 statement of belief, why we might feel
17 uncomfortable with the variance that's being
18 requested.

19 MR. LOPEZ: But what you seem to be
20 saying is not really a factor because what's being
21 proposed is a permitted use. You're making it
22 sound like we're going for a use variance, we
23 don't need a use variance, it's a permitted use.

24 MR. CHEWCASKIE: I don't think that
25 that's what Mr. Oseguera said. It's just that,

1 you know, what the neighborhood consists of.

2 You know, I agree, Mr. Lopez, and so
3 does the board planner, is that there are no bulk
4 variances requested here, but for the lot
5 dimensions.

6 MR. LOPEZ: Correct.

7 MR. CHEWCASKIE: There's no disagreement
8 here. But I also believe the Board rightfully can
9 consider what the impact of the lot size is and
10 with the impact on the neighborhood. We may not
11 agree on that, but if the Board finds that the
12 character is different, you know, from what
13 currently exists, that's a factor to be
14 considered. Whether they're right or wrong might
15 be for the Court to consider, but that's up to the
16 Board.

17 I ask the Board just -- I asked Mr.
18 Velazquez to ask the Board Members their opinions.

19 MR. OSEGUERA: I'm granting my statement
20 on the request for the variance.

21 CHAIRPERSON VELAZQUEZ: Anybody else?

22 Like I said, at the end of the day -- at
23 the end of the day, I know the courts make their
24 decision and it's been sent back to us twice
25 already for this matter. This is going to change

1 the whole characteristic of that neighborhood
2 and --

3 MR. CHEWCASKIE: Just so that it's clear
4 then, is that what I would suggest, if that's how
5 you feel, Mr. Velazquez, you can make a motion to
6 deny the variance relief based upon your
7 statements. If there's a second, we can ask for
8 further discussion and then we can take a roll
9 call.

10 MR. LOPEZ: Before you take a vote, can
11 I have an off the record discussion?

12
13 (Discussion held off the record.)

14
15 MR. CHEWCASKIE: You would need to make
16 a motion, Chairman.

17 CHAIRPERSON VELAZQUEZ: I make a motion
18 to deny the application.

19 MS. MOREJON: Second.

20 MR. VALLEJO: Motion to deny by Mr.
21 Velazquez, seconded by Ms. Morejon.

22 MR. CHEWCASKIE: Before there's a vote
23 on the motion, did anyone else have any further
24 discussion or comments with regard to the motion
25 that was made? If not, then a roll call would be

1 appropriate.

2 MR. VALLEJO: Roll call on the motion to
3 deny. Mr. Velazquez.

4 CHAIRPERSON VELAZQUEZ: Yes.

5 MR. VALLEJO: Ms. Genao.

6 MS. GENAO: Yes.

7 MR. VALLEJO: Ms. Morejon.

8 MS. MOREJON: Yes.

9 MR. LOPEZ: I'm going to object to Ms.
10 Morejon voting on this, she was not an original
11 member and heard no testimony relating to this
12 application.

13 MR. CHEWCASKIE: The objection is noted
14 based upon what you indicated and you could --

15 MR. VALLEJO: Mr. Medina.

16 MR. MEDINA: Yes.

17 MR. LOPEZ: I'm going to object to Mr.
18 Medina voting on this, he never heard the
19 application and would not be eligible to vote.

20 MR. VALLEJO: Mr. Guareno.

21 MR. GUARENO: Yes.

22 MR. VALLEJO: Mr. Oseguera.

23 MR. OSEGUERA: Yes.

24 MR. LOPEZ: And I would object to Mr.
25 Oseguera voting for the same reasons.

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

3 MR. CHEWCASKIE: So the objections are
4 noted. We do have a special meeting April 11th in
5 order to adopt the resolution. We have no other
6 business, so you don't need to be here. So if you
7 wish to be here, if not, I will send you the
8 resolution in advance.

9 MR. LOPEZ: Thank you.

10 MR. CHEWCASKIE: Thank you, Mr. Lopez.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. 208 18th Street, LLC, 206-208 18th Street.
3 Applicant proposes (2) new three family houses. On
4 September 28, 2021, the Board voted to deny the
5 application; and on October 26, 2021 the Board
6 adopted a resolution denying the Application:
7 **Amended application** to build one (1) three-story,
8 two-family dwelling. **Approved. Revised drawings**
9 **received on 03-07-2023**

10
11 MR. VALLEJO: All right. Moving now to
12 resolutions we have four resolutions on tonight's
13 agenda.

14 MR. SPATZ: Before we get to the
15 resolutions, I want to note that the first one,
16 208 18th Street and number three, Lidia Nova,
17 704-706 New York Avenue, the applicant had to
18 provide revised plans. They have, we've reviewed
19 the plans. And on both of those applications, the
20 revised plans addressed the concerns that the
21 Board had and meet the resolutions. So the
22 applicant has done what they've needed to do on
23 those two applications.

24 MR. CHEWCASKIE: So just for the Board,
25 with your permission, Mr. Vallejo, number one was

1 208 18th Street, that was a settlement that was
2 approved by the Board. The Board granted the
3 application and approved the settlement agreement
4 for the subdivision and the two-family house that
5 is going to be provided for with the standard
6 conditions. So we would need a motion on that.

7 CHAIRPERSON VELAZQUEZ: I make a motion.

8 MR. VALLEJO: Motion by Mr. Velazquez.

9 MR. GUARENO: Second.

10 MR. VALLEJO: Second by Mr. Guareno.

11 Roll call on the motion to adopt the
12 resolution.

13 MR. CHEWCASKIE: Mr. Vallejo, if I may,
14 we had a vote of 5-0 on that, so I don't know
15 who's eligible to vote.

16 MR. VALLEJO: Members present was Mr.
17 Velazquez, Ms. Genao, Ms. Morejon, Mr. Guareno,
18 and Mr. Oseguera. Mr. Medina was absent.

19 MR. CHEWCASKIE: So everyone but Mr.
20 Medina can vote on these resolutions.

21 MR. VALLEJO: Roll call on the motion.
22 Mr. Velazquez.

23 CHAIRPERSON VELAZQUEZ: Yes.

24 MR. VALLEJO: Ms. Genao.

25 MS. GENAO: Yes.

1 MR. VALLEJO: Ms. Morejon.

2 MS. MOREJON: Yes.

3 MR. VALLEJO: Mr. Guareno.

4 MR. GUARENO: Yes.

5 MR. VALLEJO: Mr. Oseguera.

6 MR. OSEGUERA: Yes.

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

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1 **ADOPTION OF RESOLUTIONS:**

2 2. 2712 NY LLC, 2712 New York Avenue. Block 141:
3 Lot: 7 Applicant proposes the construction of a
4 new three family house. Seeking for 1 year
5 extension. The approval resolution was
6 memorialized on July 28, 2020. **Approved**

7
8 MR. CHEWCASKIE: Next resolution was
9 2712 NY, LLC, for 2712 New York Avenue. This was
10 a request for extension, the extension be limited
11 to one year period commencing on July 28, 2022,
12 expiring July 28, 2023, subject to all conditions
13 in the prior resolution.

14 MR. VALLEJO: Can I have a motion?

15 CHAIRPERSON VELAZQUEZ: I make a motion.

16 MR. VALLEJO: Motion by Mr. Velazquez.

17 Any second?

18 MR. OSEGUERA: Second.

19 MR. VALLEJO: Seconded by Mr. Oseguera.

20 Roll call on the motion. Mr. Velazquez.

21 CHAIRPERSON VELAZQUEZ: Yes.

22 MR. VALLEJO: Ms. Genao.

23 MS. GENAO: Yes.

24 MR. VALLEJO: Ms. Morejon.

25 MS. MOREJON: Yes.

1 MR. VALLEJO: Mr. Guareno.

2 MR. GUARENO: Yes.

3 MR. VALLEJO: Mr. Oseguera.

4 MR. OSEGUERA: Yes.

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

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1 **ADOPTION OF RESOLUTIONS:**

2 3. Lidia Nova 704-706 New York Ave Block: 37 Lot:
3 17 Applicant proposes conversion of a commercial
4 space into two apartments. **Approved. Revised**
5 **drawings received on 03-07-2023**

6
7 MR. CHEWCASKIE: The next resolution is
8 Lidia Nova, 704 to 706 New York Avenue. This was
9 to convert the second and third floors to
10 residential use with an existing commercial
11 structure, which was a bakery. We have the
12 standard conditions and also that the revised
13 plans be submitted to Mr. Spatz, which he just
14 indicated he did receive.

15 MR. VALLEJO: Can I have a motion to
16 adopt the resolution.

17 CHAIRPERSON VELAZQUEZ: I make a motion.

18 MR. GUARENO: Second.

19 MR. VALLEJO: Motion by Mr. Velazquez,
20 seconded by Mr. Guareno.

21 Roll call on the motion. Mr. Velazquez.

22 CHAIRPERSON VELAZQUEZ: Yes.

23 MR. VALLEJO: Ms. Genao.

24 MS. GENAO: Yes.

25 MR. VALLEJO: Ms. Morejon.

1 MS. MOREJON: Yes.

2 MR. VALLEJO: Mr. Guareno.

3 MR. GUARENO: Yes.

4 MR. VALLEJO: Mr. Oseguera.

5 MR. OSEGUERA: Yes.

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

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ADOPTION OF RESOLUTIONS:

CORRECTED RESOLUTION:

4. Jing Zhang. 1012 Palisade Ave. Block: 186 Lot: 42. Applicant proposes the legalization of a ground floor apartment to convert them from a two family to three families. Applicant also proposes the addition of a stair bulkhead. The approval resolution was memorialized on 10-25-2018.

MR. CHEWCASKIE: The last resolution is Jing Zhang, 1012 Palisade Avenue. We did an amended resolution for the building department awhile ago regarding a rooftop deck on the garage. Apparently, there was also on the drawings, a rooftop deck of 710.92 square feet above the main building. The building department wanted that specifically in the resolution, so we did a revised resolution for the Board to consider.

I requested the drawings. The approved drawings depict both rooftop decks, so I'm requesting the Board to adopt this amended resolution.

MR. VALLEJO: Can I have a motion to adopt the resolution?

CHAIRPERSON VELAZQUEZ: I make a motion.

1 MR. VALLEJO: Motion by Mr. Velazquez.
2 MR. GUARENO: Second.
3 MR. VALLEJO: Seconded by Mr. Guareno.
4 Roll call on the motion. Mr. Velazquez.
5 CHAIRPERSON VELAZQUEZ: Yes.
6 MR. VALLEJO: Ms. Genao.
7 MS. GENAO: Yes.
8 MR. VALLEJO: Ms. Morejon.
9 MS. MOREJON: Yes.
10 MR. VALLEJO: Mr. Guareno.
11 MR. GUARENO: Yes.
12 MR. VALLEJO: Mr. Oseguera.
13 MR. OSEGUERA: Yes.
14 MR. VALLEJO: Five in favor, motion
15 carries.

16 * * * *

1 **ADJOURNMENT:**

2
3 MR. CHEWCASKIE: So before the
4 adjournment, I will be preparing and circulating a
5 resolution for the action on April 11th. We had
6 to do that for Mr. Lopez'S case on 15th Street.

7 MR. VALLEJO: Okay. There being no
8 other applications on tonight's, can I get a
9 motion to close?

10 MR. OSEGUERA: Motion.

11 MR. VALLEJO: Motion by Mr. Oseguera.

12 MR. GUARENO: Second.

13 MR. VALLEJO: Seconded by Mr. Guareno.
14 All in favor?

15
16 (Whereupon, all Board Members indicate
17 in the affirmative.)

18
19 MR. VALLEJO: The ayes have it. Six in
20 favor. Let the record indicate that the meeting
21 has ended. Thank you and good night, everyone.

22
23
24 (Whereupon the meeting was adjourned at
25 7:06 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